City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	COBT – PW-R 185 SE Newport Way
Proposal Address:	City of Bellevue SE Newport Way Right-of-Way from Somerset Blvd SE to 150th Ave SE.
Proposal Description:	The City of Bellevue Transportation Department proposes to expand 4,500 linear feet of SE Newport Way from Somerset Blvd SE to 150th Ave SE; adding a pedestrian/bicycle lane on the north side of the road, a bike lane on the south side of the road, new retaining walls and drainage infrastructure. The proposed road improvements would impact steep slope critical areas, steep slope buffers and structure setback areas, an unregulated Category IV wetland, and the stream buffer of Sunset Creek. The proposal includes plans to mitigate for critical area impacts.
File Number:	18-111915-LO
Applicant:	Paul Krawczyk, City of Bellevue Transportation Department
Decisions Included	Critical Areas Land Use Permit - (Process II. 20.30P)
Planner:	Peter Rosen, Senior Environmental Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance** By: _____ Carol V. Helland, Environmental Coordinator Development Services Department
Director's Decision:	**Approval with Conditions** Michael A. Brennan, Director Development Services Department By: _____ Elizabeth Stead, Land Use Director

Application Date:	May 1, 2018
Notice of Application Date:	May 24, 2018
Decision Publication Date:	February 14, 2019
Project Appeal Deadline:	February 28, 2019

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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I. Proposal Description

The City of Bellevue Transportation Department proposes road improvements on SE Newport Way from Somerset Blvd SE to 150th Ave SE; expanding 4,500 linear feet to add a pedestrian/ bicycle lane on the north side of the road, a bicycle lane along the south side of the road, nine (9) new retaining walls, replacement of sections of guardrails, lighting and signage. The project will also require new drainage infrastructure to meet the stormwater code; including a new curb-gutter system to separate roadway stormwater and natural surface water. See Figure 2 below, Typical Roadway Section.

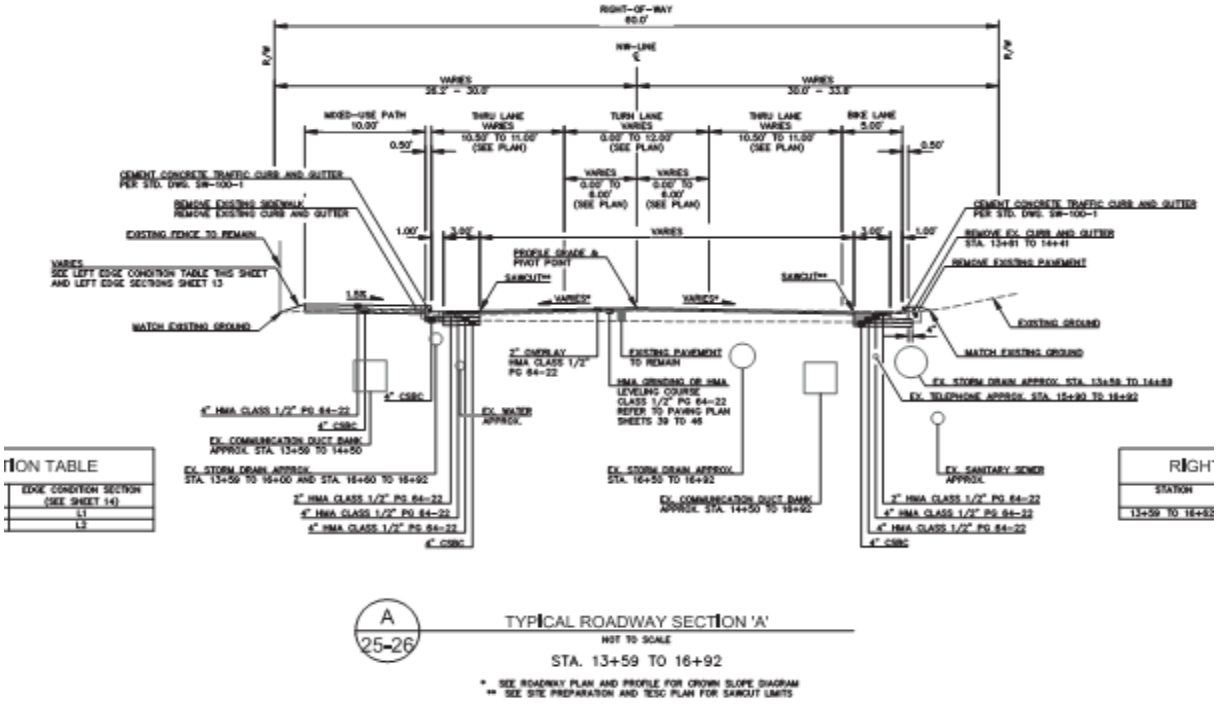
The existing roadway surface would be expanded approximately 5 feet to the south. All the roadway improvements would be within the existing street right-of-way.

The project limits also include approximately 250 feet along 142nd Pl SE, immediately north of SE Newport Way, for the tie-in of a storm drain and associated restoration work.

Figure 1 – Project Location

SE Newport Way is a minor arterial which runs generally east-west from Factoria to Lakemont. The project area is through the Eastgate and Somerset neighborhoods, see Figure 1 – Project Location Map. The goal of the project is to improve non-motorized transportation by adding sidewalks and bicycle lanes to connect schools, the community center, library and churches along SE Newport Way.

Figure 2 – Typical Roadway Section



The project area includes the following critical areas: geologic hazard areas including steep slopes over 40% and landslide hazard areas, wetlands, and streams. The proposal would result in critical area and critical area buffer impacts, see Attachments 1 and 2 for project plans and critical area impacts. A detailed description of the critical areas in the project area, the project's critical area impacts, and proposed mitigation are discussed below in Section II.

The proposal would remove a total of 37 significant trees. Eight (8) trees would be removed from steep slope critical areas, thirteen (13) trees from steep slope buffers/structure setback areas. No tree removals would occur within stream buffers, wetlands or landslide hazard areas. To mitigate for tree removal impacts, the proposal would replace trees at a 4:1 ratio (148 replacement trees). Because there is no available planting area within the road right-of-way, the tree planting mitigation would be located in an 0.5-acre area within the Eastgate Open Space area (Attachment 3).

A Critical Areas Land Use Permit is required, per LUC 20.25H.015.B, because the proposed project would expand the existing roadway and impact critical areas/critical area buffers. A Critical Areas Report is required because the proposal would modify a piped segment of a stream channel to widen the roadway, see Sheet 4, Critical Area Maps, Attachment 1.

II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The proposal would improve SE Newport Way through the Eastgate and Somerset neighborhoods. Steep slopes and potential landslide hazard areas are adjacent to SE Newport Way along most of the project corridor. Sunset Creek is located north of the project corridor. Figure 2 below shows the general extent of critical areas along project corridor. See Attachments 1 and 2 for more detailed mapping of critical areas.

Figure 3 – General Critical Areas Map

B. Zoning

Residential zoning (R-3.5, R-5, R-10, R-15) is adjacent to the SE Newport Way project corridor, see Figure 3 below.

Figure 4 – Zoning Map

C. Land Use Context

There are primarily residential uses adjacent to the SE Newport Way project corridor. There are also community facilities or landmarks in the project corridor, including; the South Bellevue Community Center, Newport Way Library, and Eastgate Park and Eastgate Open Space.

Figure 5 – Community Facilities/Landmarks

D. Critical Areas – Functions and Values, Site Conditions, Project Impacts and Mitigation

The project area includes the following critical areas: geologic hazard areas including steep slopes over 40% and landslide hazard areas, wetlands, and streams. This section will address each of the critical areas; first the functions and values, then a description of the critical areas within project limits, the project's critical area impacts and proposed mitigation.

1. <u>Geologic Hazard Areas – Steep Slopes and Landslide Hazard Areas</u>

   i. Functions and Values

   Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

   Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provides a

water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

ii. Site Conditions, Project Impacts and Proposed Mitigation

Steep slopes and potential landslide hazard areas are adjacent to Newport Way along most of the project corridor. See Attachment 2 – Critical Areas Map – Geologic Hazard Areas – Steep Slopes, Landslide Hazard Areas.

All of the landslide hazard areas occur within steep slope areas. The geotechnical consultants identified the landslide hazard areas based on the criteria in LUC 20.25H.120.A, including areas with seeps and historic slumps.

Permanent impacts to these steep slopes, steep slope buffers and steep slope structure setback areas would result from expanding the roadway prism to accommodate the multi-use path and bike path, culvert replacement and ground disturbance associated with installing 19 utility poles by Puget Sound Electric (PSE). Temporary impacts would result from open trenching necessary to replace pipe sections and areas needed for vegetation clearing. The following table summarizes project impacts to geologic hazard areas.

Table 3-3. Permanent and Temporary Impacts to Geologic Hazard Areas Site-wide

Geologic Hazard	Permanent Impact (acre)	Temporary Impact (acre)
Steep Slope Area	0.318	0.163
(Landslide Hazard Area)	(0.159)	(0.039)
Geologic Hazard Area 75-Foot Setback	0.202	0.126
Geologic Hazard 50-Foot Buffer	(0.191)	(0.114)

The proposed road improvements would remove a total of 37 significant trees; 8 trees from steep slope areas and 13 trees from steep slope buffer and structure setback areas.

To mitigate for impacts to geologic hazard areas, (including steep slope and landslide hazard area impacts), the proposal applied mitigation sequencing to avoid and minimize project impacts by reducing the footprint of the road expansion and alternating roadway sections to accommodate existing slope conditions. Best management practices and technology will be employed to address slope stability concerns; to ensure no additional risk during construction and equivalent or improved slope stability upon project completion.

To mitigate for the tree removal, trees will be replaced with native conifer tree species (Western redcedar, Western Hemlock) at a 4:1 ratio. The replacement trees would be in-fill planted on City of Bellevue Parks property, south of SE Newport Way in Eastgate Open Space, see Attachment 3.

2. Wetlands

i. Functions and Values

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These "functions and values" to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue's wetlands provide various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, urban wetlands may provide significant stormwater control and water quality functions, even if the wetlands are degraded and comprise only a small percentage of area within a basin. See description of the adjacent wetland above.

ii. Site Conditions, Project Impacts and Proposed Mitigation

One wetland (Wetland A) has been identified in the project corridor, located south of SE Newport Way and to the east of 142nd Pl SE, see Sheet 6 of the Critical Area Plans, Attachment 1. The wetland is a 507 SF palustrine scrub-shrub slope wetland that drains north to a drainage ditch on the south side of SE Newport Way. The wetland is rated as a Category IV wetland under both the 2004 and 2014 wetland rating systems. Category IV wetlands that are less than 2,500 SF in size are not designated or regulated as critical areas per LUC 20.25H.095.B.4. Approximately 148 SF of Wetland A would be filled to widen the pavement to support a new bicycle lane and relocated ditch. No trees would be removed within the wetland. No mitigation is required by the City because the wetland is not regulated as a critical area. The proposed project includes stormwater treatment to mitigate for the minor water quality function provided by the wetland.

A drainage ditch with wetland characteristics runs south of and parallel to SE Newport Way. The portion of the ditch with hydrophytic (wetland) vegetation was delineated as a jurisdictional ditch regulated by the U.S. Army Corps of Engineers. Although portions of the drainage ditch meet the three parameters for a wetland, the ditch is man-made and regularly maintained. The City of Bellevue does not regulate artificial wetlands such as drainage ditches per the definition of wetland in LUC 20.25H.095(A). The drainage ditch is not regulated as a stream because it is an artificial channel that is not likely to be used by salmonids since it connects to non-fish bearing stream segments (LUC 20.25H.075[A]).

3. Streams

i. Functions and Values

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or re-vegetated (May 2003). Until the newly planted buffer is established the near-term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows in to riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

ii. Site Conditions, Project Impacts and Proposed Mitigation

Three streams have been identified in the project corridor:

Sunset Creek is located north of and runs parallel to SE Newport Way through the project area. Sunset Creek is a perennial stream that flows from an aboveground channel in Eastgate Park through a 36-inch concrete culvert under SE Newport Way to the east of South Bellevue Community Center. The concrete culvert discharges into a series of catch basins and pipes, with the stream daylighting approximately 800 feet downstream at 144th Lane SE.

Sunset Creek is mapped on the City's GIS "Mapshot" as a "Type F" fish-bearing stream downstream of SE Allen Rd and 138th Ave SE and then as "potentially fish-bearing" to the east and through the project area. The Critical Area Report identifies Sunset Creek as a "Type F" stream, it has documented Coho salmon habitat on the north side of Newport Way in the project corridor. However, it is unlikely that fish could access Eastgate Park on the south side of SE Newport Way because of steep grades and the 800-foot-long pipe/culvert network. However, the open channel segments of Sunset Creek still provide potential fish habitat and could support fish if future projects remove man-made barriers to fish passage.

Sunset Creek on the north side of SE Newport Way flows through developed properties and "Type F" streams require a 50-foot buffer and 50-foot structure setback on developed properties. Where the stream is piped a 10-foot structure setback is required from the culverted stream.

The proposed project improvements would result in impacts to the Sunset Creek stream buffer and structure setback area as summarized below:

Table 3-1. Permanent Impacts to Stream Buffers and Setbacks

Stream	Buffer Impact (feet)	Structure Setback Impact (square feet)
Sunset Creek – north of SE Newport Way	0	465
Sunset Creek – south of SE Newport Way	155	267

Table 3-2. Temporary Impacts to Stream Buffers

Stream	Buffer Impact (square feet)
Sunset Creek – north of SE Newport Way	474
Sunset Creek – south of SE Newport Way	99

The impacted stream buffer areas are degraded and modified; buffer areas along the roadway are regularly mowed and maintained and buffer areas on private property are currently a mix of maintained lawn and unmaintained invasive plant species.

To mitigate for the 155 SF of Sunset Creek permanent buffer impacts, the proposal would enhance 1,108 SF of the buffer and structure setback area along SE Newport Way, near the tennis courts at the South Bellevue Community Center. See Sunset Creek Conceptual Mitigation Drawing, Attachment 4. The enhancement planting includes native species small trees and shrubs, no large trees are proposed due to safety and maintenance concerns adjacent to the tennis courts and roadway.

There is a 100-year floodplain on Sunset Creek near SE Allen Road. The floodplain boundaries do not extend into the project area.

Two smaller, perennial streams, identified as *Streams 1 and 2*, were also delineated in the project area. *Stream 1* originates from hillside seeps south of Newport Way, flows into the SE Newport Way drainage ditch, and then flows into an 18-inch concrete pipe beneath the roadway and it's assumed the pipe connects to Sunset Creek north of the project area. The open channel segment south of the roadway is steep and incised, about 6-inches deep and less than 1-foot wide. See Sheets 3 and 4 of the Critical Area Maps, Attachment 1.

Stream 2 is approximately 140 feet east of the *Stream 1* pipe. It originates on the north side of Newport Way, from an 18-inch pipe under the roadway that conveys flows from a drainage ditch on the south side of the road. Stream 2 connects by pipe to Sunset Creek to the north of the project area. The open channel is shallow, about 1-foot wide and the streambanks are almost indistinguishable from adjacent topography. See Sheet 5 of the Critical Area Maps, Attachment 1.

Streams 1 and *2* are not identified on the City GIS Mapshot. The Critical Areas Report (Jacobs, December 5, 2018) classifies both *Streams 1* and *2* as Type "N" streams; non-fish bearing streams that are physically connected to a Type "S" or "F" stream by an above-ground channel. On developed sites, Type N streams in an open channel require a 25-foot wide stream buffer with a 25-foot structure setback. Where the streams are piped or in culverts, there is a 10-foot structure setback required.

The project would have permanent and temporary impacts to stream buffers and structure setback areas as a result of widening the road and associated project activities. No tree removals would occur within stream buffers. The impacted stream buffer areas are currently degraded, mowed and maintained along the roadway, and are predominantly consist of weedy herbaceous vegetation and grasses. The stream buffer impacts are summarized below:

Table 3-1. Permanent Impacts to Stream Buffers and Setbacks

Stream	Buffer Impact (feet)	Structure Setback Impact (square feet)
Sunset Creek – north of SE Newport Way	0	465
Sunset Creek – south of SE Newport Way	155	267
Stream 1	451	325
Stream 2	0	4
Total	**606**	**1,064**

Table 3-2. Temporary Impacts to Stream Buffers

Stream	Buffer Impact (square feet)
Sunset Creek – north of SE Newport Way	474
Sunset Creek – south of SE Newport Way	99
Stream 1	256

A small segment (31 linear feet) of *Stream 1* would be relocated for the widening of the roadway for a bicycle lane. Approximately 7 linear feet of existing pipe would be removed and restored to an open channel and the channel widened to an average of 4.5 feet, netting approximately 49 SF of new/expanded open channel. The stream would discharge to the same location, maintaining the flow path. See Sheet 4, of Critical Areas Map, Attachment 1.

To mitigate for the 451 SF of permanent impacts to the *Stream 1* buffer, the proposal would daylight 6 linear feet of the stream currently in a pipe. See Sheet 4, of Critical Areas Map, Attachment 1. This mitigation is proposed because the stream buffer adjacent to the open channel on the south side of SE Newport Way is already a high-functioning, undisturbed stream buffer. Stream daylighting, creating an open channel, would provide a better functional ecologic lift. The tree replacement mitigation would also extend into the *Stream 1* buffer and structure setback area.

Temporary impacts to stream buffer and structure setback areas would be seeded after construction. Most of the areas are currently vegetated with grasses and weedy herbaceous vegetation and Himalayan blackberry. Existing trees removed in temporary impacted critical areas/buffers would be mitigated in the Tree Replacement Mitigation Area, Attachment 3.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

Highway and Street Right-of-Way is a permitted use in all the residential zoning districts (LUC 20.10.440). Zoning dimensional requirements of the Land Use Code do not apply within public rights-of-way. The proposal is to construct non-motorized roadway improvements and no structures are proposed.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer.

The proposed roadway improvements and expansion are allowed uses in critical areas, buffers, and setbacks, provided certain requirements are met. The project is subject to the performance standards found in LUC 20.25H.055.C below.

i. Consistency with LUC 20.25H.055.C.2.a – Uses and Development Allowed Within Critical Areas

New or expanded facilities and systems are allowed within the critical area or critical area buffer only where no technically feasible alternative with less impact on the critical area or critical area buffer exists. A determination of technically feasible alternatives will consider:

1. The location of existing infrastructure;

Finding: The proposal would widen and improve an existing street, SE Newport Way, to add non-motorized (sidewalk, bicycle lane) facilities. The project is limited within the existing right-of-way and steep slopes are adjacent to Newport Way along most of the project corridor. There are no feasible technical alternatives that would meet the project objectives.

2. The function or objective of the proposed new or expanded facility or system;

Finding: The proposed roadway improvements implement the Capital Investment Program Plan with the objective to construct non-motorized facilities to improve connections to community facilities along SE Newport Way; including the South Bellevue Community Center, Newport Way Library and Eastgate Park.

3. Demonstration that no alternative location or configuration outside of the critical area or critical area buffer achieves the stated function or objective, including construction of new or expanded facilities or systems outside of the critical area;

Finding: Steep slopes are adjacent to SE Newport Way along most of the project corridor and the roadway could not be expanded without impacting steep slope critical

areas. The City's project team designed the project to avoid and minimize impacts; reducing the footprint of the initial roadway design and alternating between typical roadway sections to accommodate natural slope conditions.

4. **Whether the cost of avoiding disturbance is substantially disproportionate as compared to the environmental impact of proposed disturbance; and**

   Finding: Steep slopes are adjacent to SE Newport Way along most of the project corridor and the roadway could not be expanded for non-motorized facilities without impacting critical areas. The project objectives and project cost could not be met with total avoidance of steep slope impacts.

5. **The ability of both permanent and temporary disturbance to be mitigated.**

   Finding: The proposal includes mitigation for permanent project impacts; the tree removal in steep slope areas and stream buffers would be mitigated with a 4:1 tree replacement ratio.

   Site areas that are graded and temporarily disturbed would be revegetated comparable to the existing conditions. Most of these areas are currently vegetated with grasses, weedy herbaceous vegetation and invasive plant species and will be seeded after construction.

   A final mitigation plan is required to be submitted and approved with clearing and grading permit construction plans. The final mitigation plan shall show general planting locations, plant species, plant quantities and size of plant material, and shall include notes to direct in-fill plantings. The mitigation planting is required to be maintained and monitored for five years. The final mitigation plan shall include performance standards to measure the successful establishment of the mitigation plantings. **See Section X for a related condition of approval.**

ii. Consistency with LUC 20.25H.055.C.2.b - Uses and Development Allowed Within Critical Areas

If the applicant demonstrates that no technically feasible alternative with less impact on the critical area or critical area buffer exists, then the applicant shall comply with the following:

1. **Location and design shall result in the least impacts on the critical area or critical area buffer;**
2. **Disturbance of the critical area and critical area buffer, including disturbance of vegetation and soils, shall be minimized;**
3. **Disturbance shall not occur in habitat used for salmonid rearing or spawning or by any species of local importance unless no other technically feasible location exists;**

4. **Any crossing over of a wetland or stream shall be designed to minimize critical area and critical area buffer coverage and critical area and critical area buffer disturbance, for example by use of bridge, boring, or open cut and perpendicular crossings, and shall be the minimum width necessary to accommodate the intended function or objective; provided, that the Director may require that the facility be designed to accommodate additional facilities where the likelihood of additional facilities exists, and one consolidated corridor would result in fewer impacts to the critical area or critical area buffer than multiple intrusions into the critical area or critical area buffer;**
5. **All work shall be consistent with applicable City of Bellevue codes and standards;**
6. **The facility or system shall not have a significant adverse impact on overall aquatic area flow peaks, duration or volume or flood storage capacity, or hydroperiod;**
7. **Associated parking and other support functions, including, for example, mechanical equipment and maintenance sheds, must be located outside critical area or critical area buffer except where no feasible alternative exists; and**
8. **Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.**

Finding: The project location and design has minimized critical area and critical area buffer impacts by reducing the roadway expansion footprint; reducing the width of roadway lanes and the mixed-use trail and alternating different roadway sections to accommodate existing natural slope conditions. Sunset Creek is the only salmonid stream in the project area and the proposed road improvements would result in limited buffer impacts (155 SF of permanent stream buffer impact on the south side of SE Newport Way) to a buffer area that has already been modified and is a maintained landscape area. No wetland or stream crossings are proposed, and the proposal would not impact aquatic area flow peaks or the duration or volume or flood storage capacity. Permanent project impacts will be mitigated, and temporary disturbance impacts restored consistent with requirements of LUC 20.25H.210.

iii. Consistency with LUC 20.25H.080 – Stream Performance Standards

1. **Lights shall be directed away from the stream.**

   Finding: The existing and proposed PSE light poles are directed toward the Newport Way roadway. No new lighting will be directed toward streams in the project area.

2. **Activity that generates noise such as parking lots, generators, and**

residential uses, shall be located away from the stream or any noise shall be minimized through use of design and insulation techniques.

Finding: No new parking lots or other noise-generating development is proposed. During project construction, the contractor will be required to use best management practices to locate noise-generating equipment as far from the stream as practical and to minimize the duration of noise.

3. **Toxic runoff from new impervious area shall be routed away from the stream.**

   Finding: Stormwater runoff will be collected and detained. Stormwater discharged into the Sunset Creek buffer along NE 142nd Pl will be treated through a modular wetland stormwater treatment system before dispersed through a diffuser tee.

4. **Treated water may be allowed to enter the stream critical area buffer.**

   Finding: Stormwater discharged into the Sunset Creek buffer along NE 142nd Pl will be treated through a modular wetland stormwater treatment system.

5. **The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use.**

   Finding: The proposal would enhance approximately 1,100 SF of the Sunset Creek buffer and structure setback area on the south side of SE Newport Way adjacent to the South Bellevue Community Center (Mitigation Plan, Attachment 4), near the location of the stream buffer impacts. The project doesn't have authority to plant dense vegetation and restore the outer stream buffer on private property.

6. **Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices", now or as hereafter amended.**

   Finding: No pesticides, insecticides or fertilizers area proposed within 150 feet of stream buffers. If necessary to use, they will be used in accordance with the City of Bellevue's Environmental Best Management Practices.

iv. Consistency with LUC 20.25H.080.B – Modification of Stream Channel

1. **When Allowed. A stream channel shall not be modified by relocating the open channel, or by closing the channel through pipes or culverts unless in connection with the following uses allowed under LUC 20.25H.055:**

   e. New or expanded public right-of-way, private roads, access easements or driveways;

2. **Critical Areas Report Required: any proposal to modify a stream channel under this section may be approved only through a critical areas report.**

Finding: The proposal is consistent with the code provision which allows for modifications to stream channels when associated with expanding public roadways. Approximately 31 linear feet of Stream 1 will be relocated for widening the roadway for a bicycle lane. Approximately 7 linear feet of existing pipe will be removed and restored as an open channel. The stream will discharge to the same location, maintaining flow paths. A Critical Areas Report has been submitted and addresses the stream modification.

v. Consistency with LUC 20.25H.125 - Performance standards - Landslide hazards and steep slopes.

In addition to generally applicable performance standards set forth in LUC 20.25H.055 and 20.25H.065, development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

Finding: The project is designed to avoid the need for regular and periodic maintenance to maintain slope stability.

A. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;

Finding: The project design has minimized alterations to natural slope contours by reducing the roadway expansion footprint; reducing the width of roadway lanes and the mixed-use trail and alternating different roadway sections to accommodate existing natural slope conditions.

B. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

Finding: The proposed roadway improvements would occur entirely within the road right-of-way, an area that is regularly maintained and has already been altered and modified from its natural landform. The project footprint has been reduced to minimize impacts to vegetation and natural landforms and to preserve the most significant critical areas in the project corridor.

C. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

Finding: The proposal will result in equal or greater slope stability, as the improvements are an opportunity to improve the structural stability of the road and area. The proposal would not result in greater risk or a need for increased buffers on neighboring properties.

D. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;

Finding: The proposal prioritizes retaining walls over graded artificial slopes, except where the geotechnical consultant demonstrates that a graded artificial slope is the preferred option for slope stability.

E. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

Finding: Steep slopes are adjacent to SE Newport Way along most of the project corridor. However, the project footprint has been designed to reduce the width of roadway lanes and the mixed-use trail to minimize expanding impervious surfaces into critical areas and buffers.

F. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;

Finding: Not applicable, proposal does not include building structures.

G. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;

Finding: Not applicable, proposal does not include building structures.

H. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;

Finding: Not applicable, proposal does not include building structures.

I. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and

Finding: Not applicable, proposal does not include building structures.

J. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.

Finding: Areas of permanent disturbance will be mitigated; the 37 total trees removed from critical areas/critical area buffers will be replaced at a 4:1 ratio (148 trees) on City-owned Eastgate Open Space. The tree replacement mitigation would infill native conifer trees in an area dominated by deciduous tree species; increasing species diversity, structural diversity, adding habitat niches and accelerating natural vegetation succession. Areas of temporary disturbance will be restored by seeding after construction, most of these areas are currently vegetated with grasses and weedy herbaceous vegetation. The proposed mitigation and restoration meets requirements of LUC 20.25H.210. Final mitigation plans will be required for construction permit approval. **See Conditions of Approval in Section X of this report.**

IV. Public Notice and Comment

Application Date:	May 1, 2018
Public Notice (500 feet):	May 24, 2018
Minimum Comment Period:	June 7, 2018

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin and Seattle Times on May 24, 2018. It was mailed to property owners within 500 feet of the project site. The following comments were received:

Jacques Rodriguez, Seattle Public Utilities, commented that there is a 48-inch water main transmission line in Eastgate Park and they will want to review plans for any utilities crossing the water line.

Karen Walter, Muckleshoot Indian Tribe, commented on stream classifications, piping of streams and project impacts and mitigation. The comments and responses are included as Attachment 5.

Charlie Klinge, Stephens & Klinge LLP, requested copies of critical area reports including the geotechnical report, wetland and stream delineation, and project plans. The requested materials were sent and no further comments were received.

V. Summary of Technical Reviews

Clearing and Grading

The Clearing and Grading Division of the Development Services Department reviewed the proposal for compliance with Clearing and Grading codes and standards and has approved the application subject to conditions listed below in Section IX.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately disclosed expected environmental impacts associated with the

project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth and Water

The applicant will be required to obtain a clearing and grading permit and follow erosion and sediment control best management practices to prevent erosion impacts. **See Conditions of Approval in Section IX of this report**

B. Plants

Impacts to critical areas/critical area buffers are mostly limited to areas adjacent to the roadway where vegetation has been maintained and modified. The proposal would replace impacted trees at a 4:1 replacement ratio.

VII. Decision Criteria

A. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

1. **The proposal obtains all other permits required by the Land Use Code.**

   Finding: All required construction permits will be obtained. **See Conditions of Approval in Section IX of this report.**

2. **The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer.**

   Finding: The proposal reduced the footprint of the roadway lanes and the mixed-use trail to avoid and minimize critical area/critical area buffer impacts. The proposal also alternated roadway sections to accommodate existing natural slope conditions.

3. **The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable.**

   Finding: The proposal incorporates the performance standards related to geologic hazard areas and streams to the maximum extent applicable, as discussed in Section III above.

4. **The proposal will be served by adequate public facilities including street, fire protection, and utilities.**

   Finding: The proposal will be served by adequate public facilities.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210.

Finding: The proposal includes a mitigation plan consistent with the requirements of LUC 20.25H.210.

A final mitigation planting plan shall be included with the clearing/grading permit and shall include performance standards to monitor the success of the mitigation planting. **See Conditions of Approval in Section IX of this report.**

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** improvements to SE Newport Way from Somerset Blvd SE to 150th Ave SE; to add a pedestrian/bicycle lane on the north side of the road, a bike lane on the south side of the road, new retaining walls and drainage infrastructure.

Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. Separate construction permits are required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a construction permit or other necessary development permits within one year of the effective date of the approval.

IX. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC Title 20	Peter Rosen, 425-452-5210

The following conditions are imposed under the Bellevue City Code as referenced:

1. **Clearing and Grading Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of any construction permit. Plans submitted as part of any permit application shall be consistent with the activity permitted under this approval.

   Authority: Land Use Code 20.30P.140
   Clearing & Grading Code 23.76.035

   Reviewer: Savina Uzunow, Development Services Department, Clearing & Grading Section

2. **Geotechnical Review:** The project geotechnical engineer must review the final construction plans, including all wall designs. A letter from the geotechnical engineer stating that the final plans conform to the recommendations in the geotechnical report and any addendums and supplements must be submitted to the clearing and grading section prior to issuance of the construction permit.

   Authority: Clearing & Grading Code 23.76.050
   Reviewer: Savina Uzunow, Development Services Department, Clearing & Grading Section

3. **Geotechnical Inspection:** The project geotechnical engineer must provide geotechnical inspection during project construction, including subgrades for foundations and footings, and any unusual seepage, slope, or subgrade conditions.

   Authority: Clearing & Grading4. Code 23.76.050

   Reviewer: Savina Uzunow, Development Services Department, Clearing & Grading Section

4. **Rainy Season Restrictions:** Due to steep slopes on the site, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

   Authority: Bellevue City Code 23.76.093.A,

   Reviewer: Savina Uzunow, Development Services Department, Clearing & Grading Section

5. **Final Mitigation Plan:** A final mitigation planting plan shall be submitted with the clearing and grading permit. The plans shall specify plant species, sizes, quantities, spacing and notes to direct in-fill plantings. The final mitigation plan shall also include performance standards to measure the successful establishment of the mitigation plantings. The following performance standards are required:

Year 1 (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- Less than 5% cover of non-regulated Class A, B, or C noxious weeds as identified on the King County Noxious Weed List.
- No (0%) regulated Class A, B, or C noxious weeds.

Year 2 (from date of plant installation)

- 90% survival of all installed plants and/or replanting in following dormant season to reestablish 90%
- Less than 5% cover of non-regulated Class A, B, or C noxious weeds as identified on the King County Noxious Weed List.
- No (0%) regulated Class A, B, or C noxious weeds.

Year 3

- Greater than 60% cover of installed and volunteer native plants.
- Less than 10% cover of non-regulated Class A, B, or C noxious weeds as identified on the King County Noxious Weed List.
- No (0%) regulated Class A, B, or C noxious weeds.

Year 4

- Greater than 75% cover of installed and volunteer native plants.
- Less than 15% cover of non-regulated Class A, B, or C noxious weeds as identified on the King County Noxious Weed List.
- No (0%) regulated Class A, B, or C noxious weeds.

Year 5

- Greater than 80% cover of installed and volunteer native plants.
- Less than 15% cover of non-regulated Class A, B, or C noxious weeds as identified on the King County Noxious Weed List.
- No (0%) regulated Class A, B, or C noxious weeds.

Authority: Land Use Code 20.30P.140; 20.25H.220
Reviewer: Peter Rosen, Development Services Department

6. **Maintenance and Monitoring:** The mitigation planting is required to be maintained and monitored for five years to ensure the plants successfully establish. Annual monitoring reports are required to be submitted to document the planting is meeting approved performance standards. Monitoring reports shall be submitted to the Environmental Planning Manager for

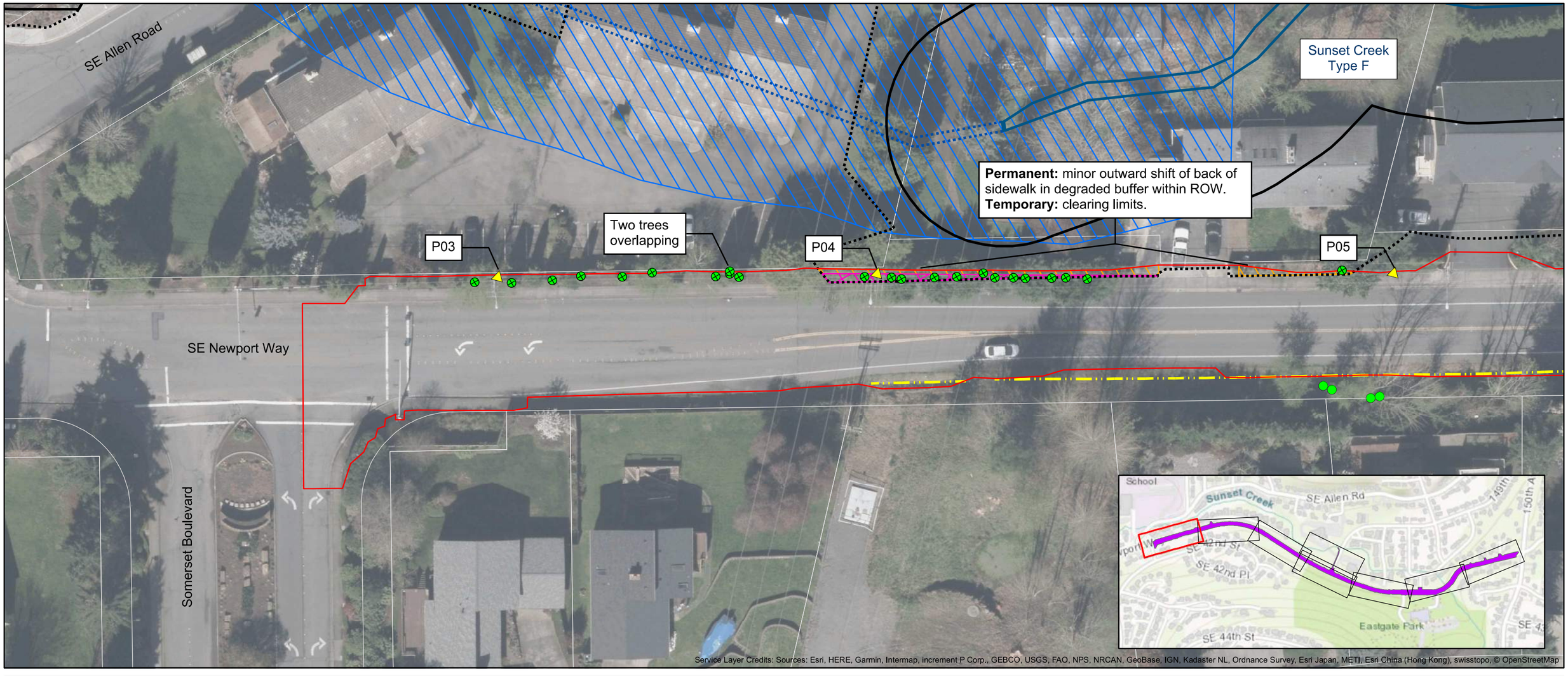
the Land Use Division of Development Services. Monitoring reports must reference the project by name and include the relevant permit numbers.

Authority: Land Use Code 20.30P.140; 20.25H.220
Reviewer: Peter Rosen, Development Services Department

ATTACHMENT 1

Stream, Wetland, Habitat, and Flood Hazard Critical Areas

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD



LEGEND

- Delineated Streams[1]
- Open Channel Stream
- Piped Stream[2]
- Jurisdictional Ditch[1] (regulated by the Army Corps of Engineers)
- Ditch Centerline[2]
- Delineated Wetland [1]
- Stream Buffer[3]
- Stream Setback[3]
- WDFW PHS Terrestrial Habitat[4]
- 100-year Floodplain[5]
- Parcel Boundary[5]
- Limits of Project[1]
- Tree to be Avoided[1]
- Tree to be Impacted[1]
- Existing Puget Sound Energy (PSE) Pole to Remain[2]
- Proposed PSE Pole Relocation[2]
- Permanent Impacts[2]
- Temporary Impacts[2]
- Removal[2]

NOTE
[1] Jacobs biologists delineated stream ordinary high water marks (OHWM), juridictional ditch, and wetland boundaries on March 17, 2016. A tree inventory survey occurred on September 13, 2017.
[2] Design elements and the project limits boundary are based on 90 percent design. They are approximate and may not be exactly to scale.
[3] Jacobs derived stream buffers and structure setbacks in ArcGIS based on requirements in the City of Bellevue Land Use Code 20.20H.075.
[4] Approximate location of Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS).
[5] These GIS layers originate from publicly available City of Bellevue GIS data.

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Stream, Wetland, Habitat, and Flood Hazard Critical Areas

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap

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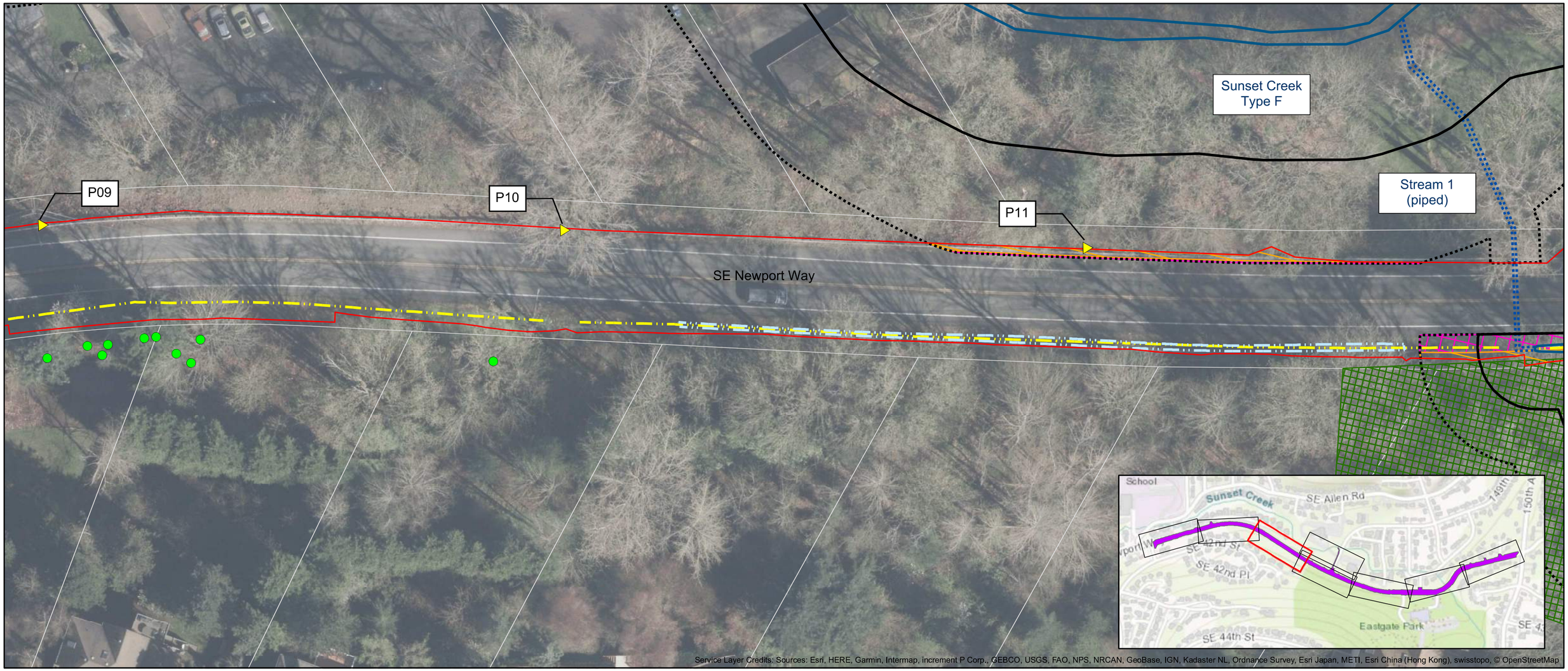

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Stream, Wetland, Habitat, and Flood Hazard Critical Areas

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD

Sunset Creek
Buffer and Setback
Type F

Stream 2
Type N

P12

P13

P14

142nd Place SE

SE Newport Way

Stream 1
Type N

Permanent: expansion of roadway south; ditch/stream relocation (see inset).
Temporary: clearing limit.

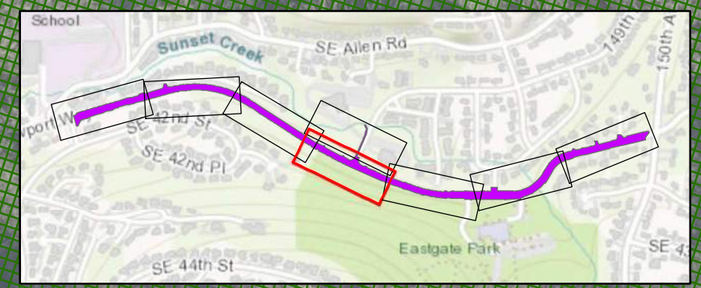
Seep 1

Stream 1
Channel Impacts

6 linear feet (LF) of pipe removed and 1 LF of pipe replaced

Existing stream partially filled for roadway expansion

Stream channel/ditch creation



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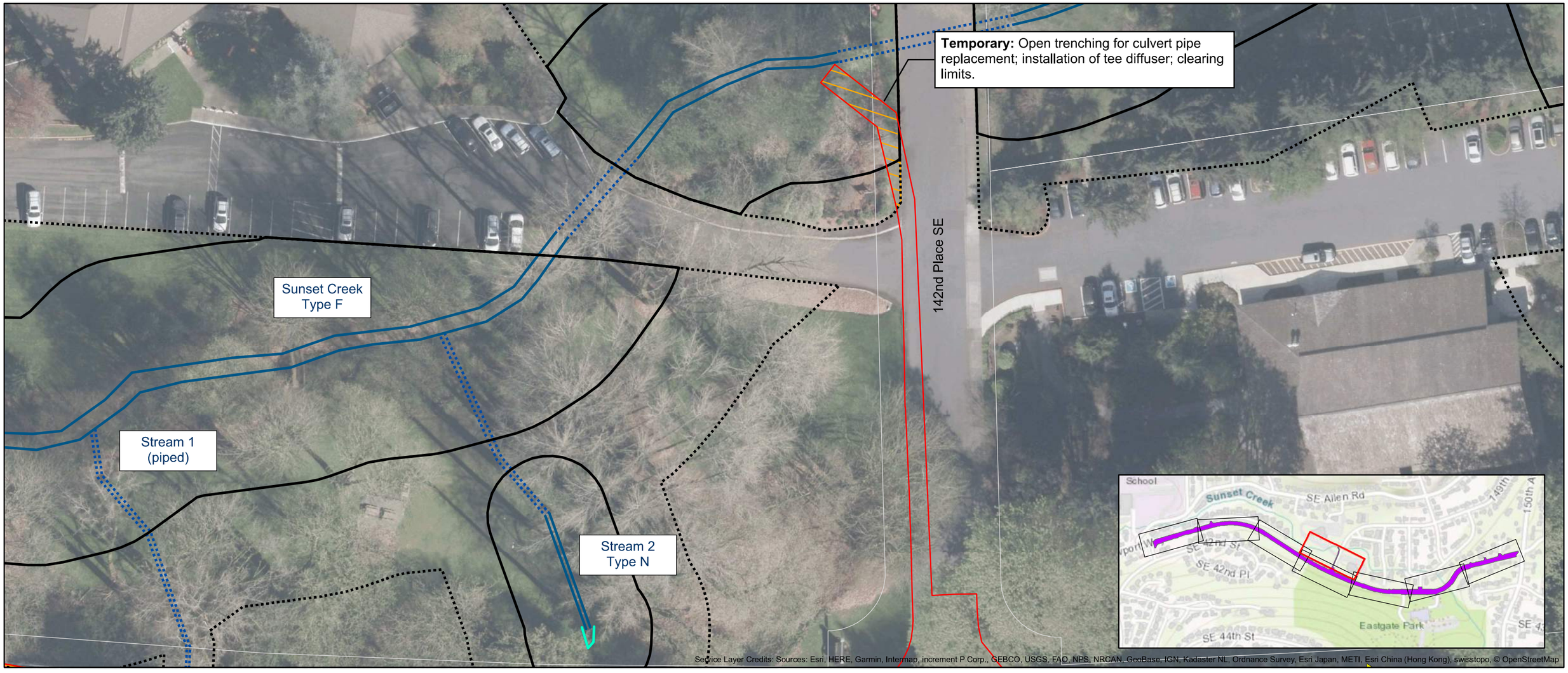

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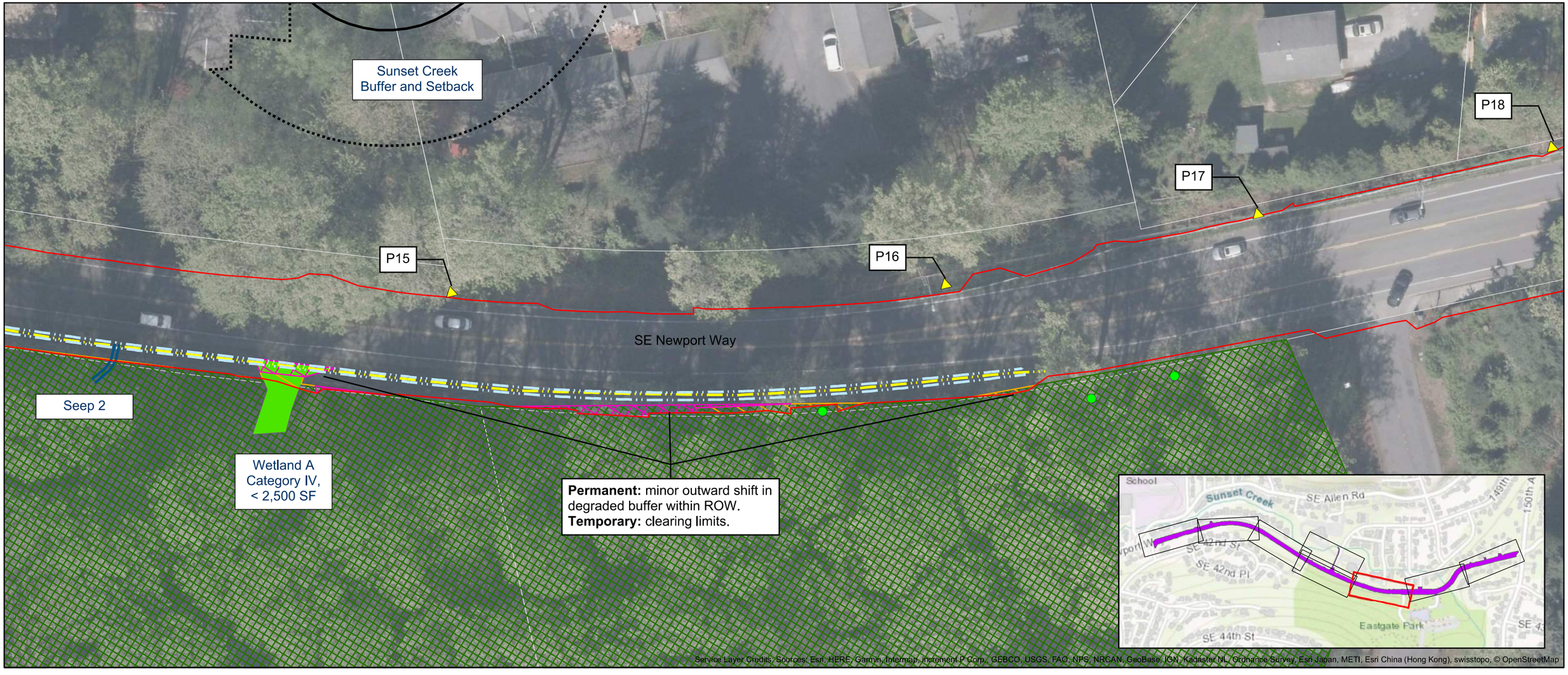

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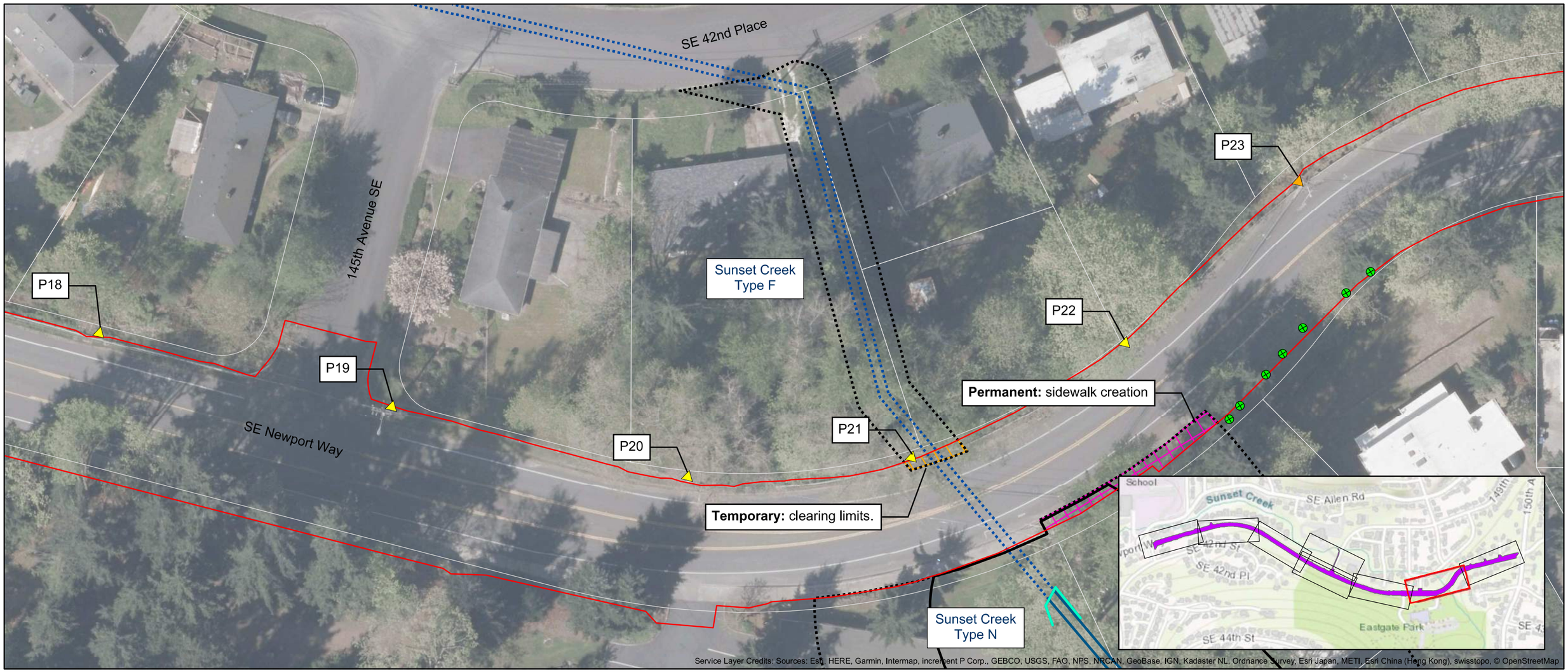

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Stream, Wetland, Habitat, and Flood Hazard Critical Areas

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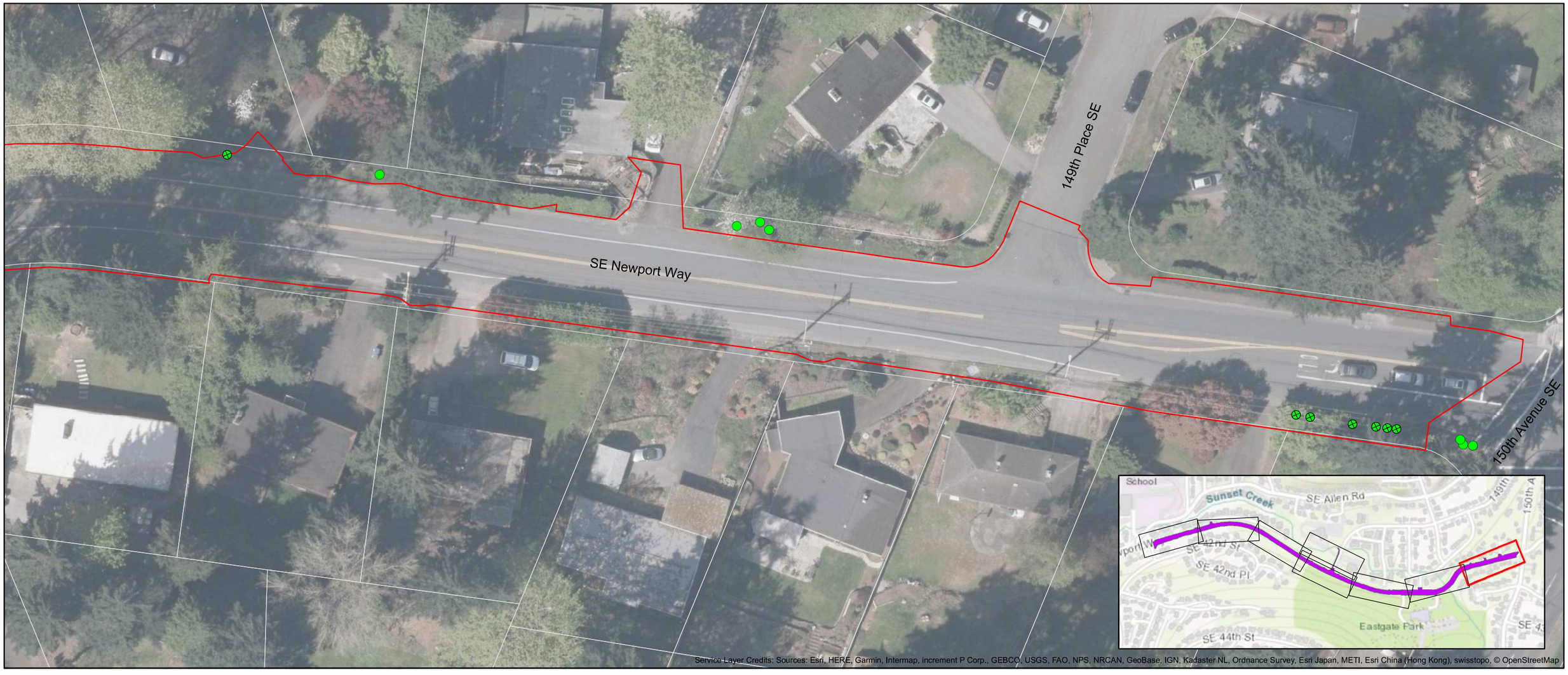

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap

LEGEND

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- Limits of Project[1]
- Tree to be Avoided[1]
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November 2018

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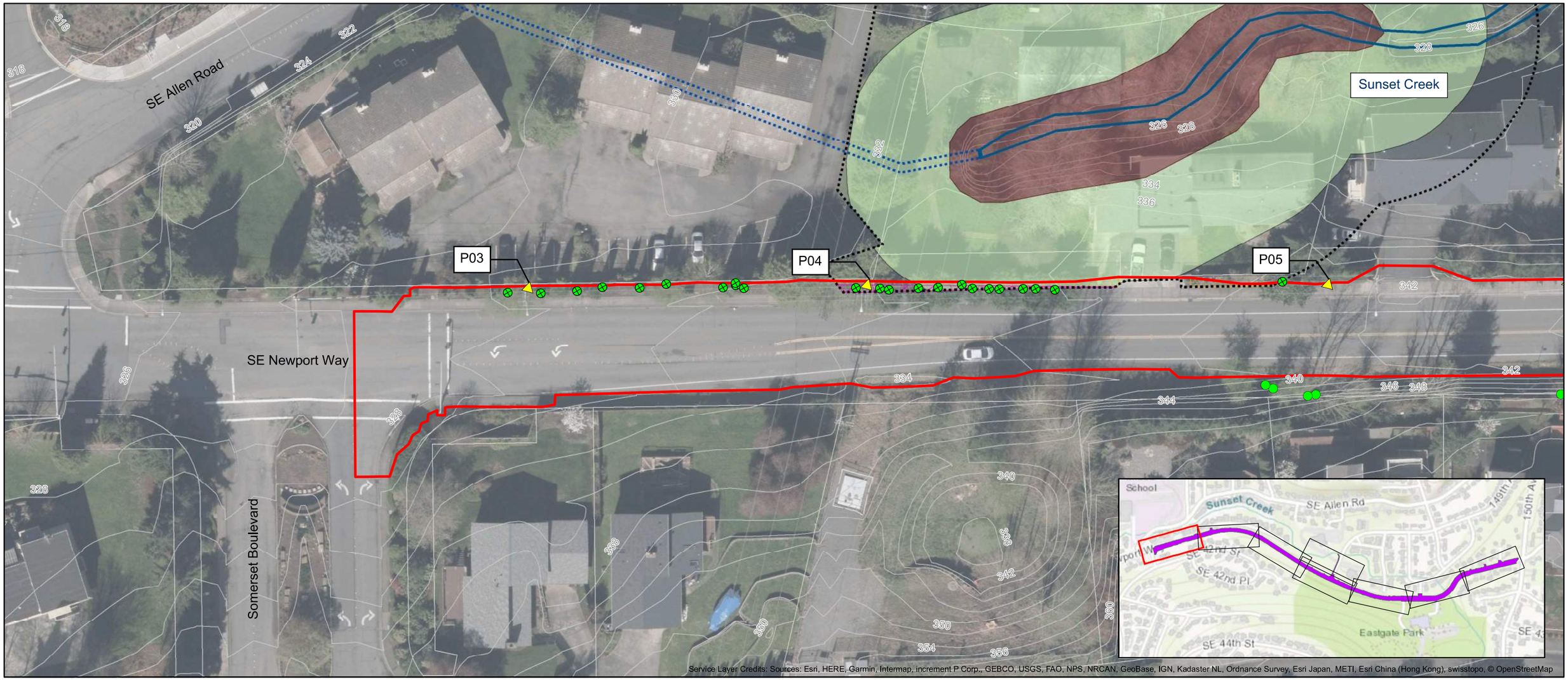
ATTACHMENT 2

Geologic Hazard Critical Areas

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD



LEGEND

- Potential Landslide Hazard[1]
- Steep Slopes[1]
- 50-foot Geologic Hazard Buffer[2]
- 75-foot Geologic Hazard Setback[2]
- Delineated Streams[3]
- Open Channel Stream
- Piped Stream[4]
- Delineated Wetland [1]
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- Tree to be Avoided[3]
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- Existing Puget Sound Energy (PSE) Pole to Remain[4]
- Proposed PSE Pole Relocation[4]
- Permanent Impacts[4]
- Temporary Impacts[4]
- Pavement Removal[4]

NOTE
[1]Geologic hazards are approximations of areas identified by geotechnical professionals at Wood Environment and Infrastructure Solutions, Inc., formerly Amec Foster and Wheeler.
[2]Jacobs derived buffers and structure setbacks in ArcGIS and modified them to exclude roadways based on requirements in the City of Bellevue Land Use Code.
[3]Jacobs biologists delineated stream ordinary high water marks (OHWM), juridictional ditch, and wetland boundaries on March 17, 2016. A tree inventory survey occurred on September 13, 2017.
[4]Design elements and the project limits boundary are based on 90 percent design. They are approximate and may not be exactly to scale.
[5]The GIS parcel and 2-foot contour topography layers originate from publicly available City of Bellevue GIS data.

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November 2018

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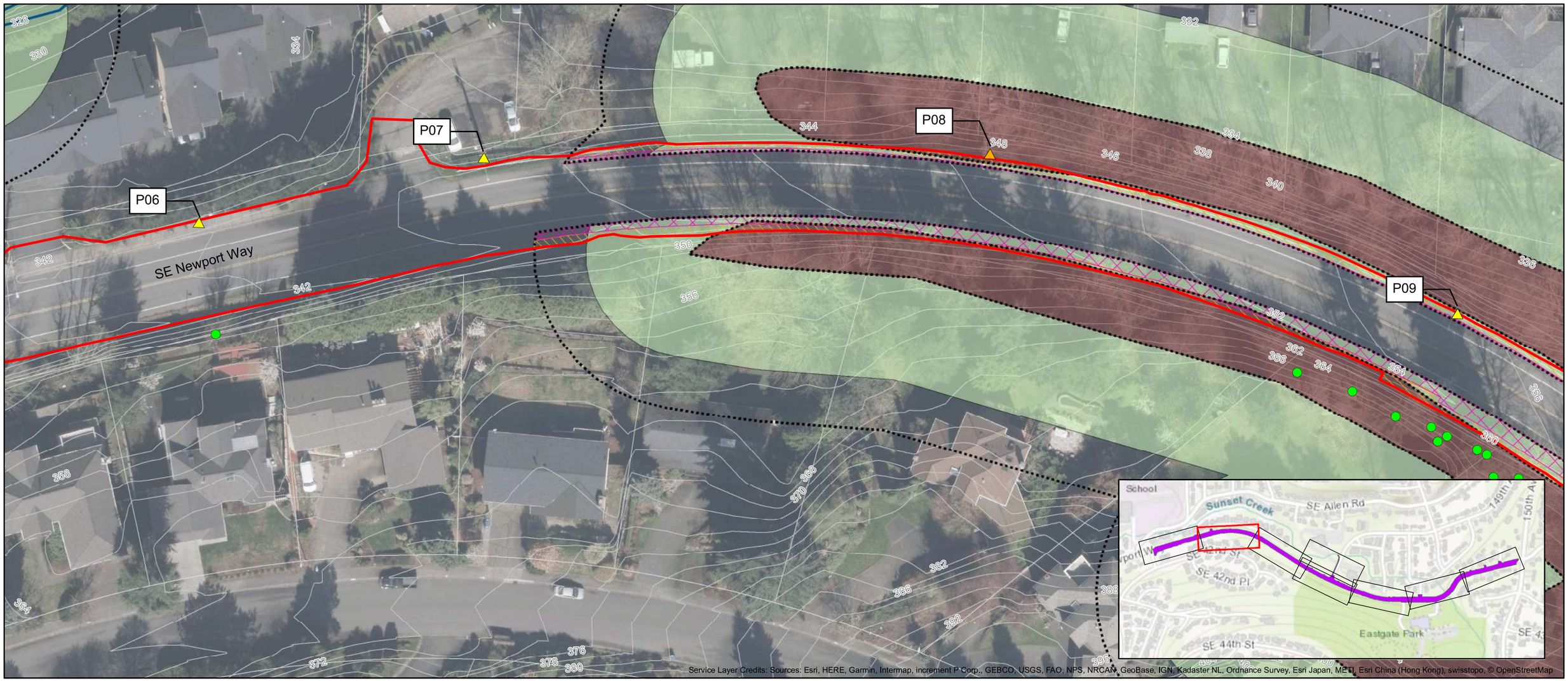
Geologic Hazard Critical Areas

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD



Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap

LEGEND

- Potential Landslide Hazard[1]
- Steep Slopes[1]
- 50-foot Geologic Hazard Buffer[2]
- 75-foot Geologic Hazard Setback[2]
- Delineated Streams[3]
- Open Channel Stream
- Piped Stream[4]
- Delineated Wetland [1]
- Parcel Boundary[5]
- Limits of Project[4]
- Tree to be Avoided[3]
- Tree to be Impacted[3]
- Existing Puget Sound Energy (PSE) Pole to Remain[4]
- Proposed PSE Pole Relocation[4]
- Permanent Impacts[4]
- Temporary Impacts[4]
- Pavement Removal[4]

NOTE
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[5]The GIS parcel and 2-foot contour topography layers originate from publicly available City of Bellevue GIS data.

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JACOBS

November 2018

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Geologic Hazard Critical Areas

SE NEWPORT WAY
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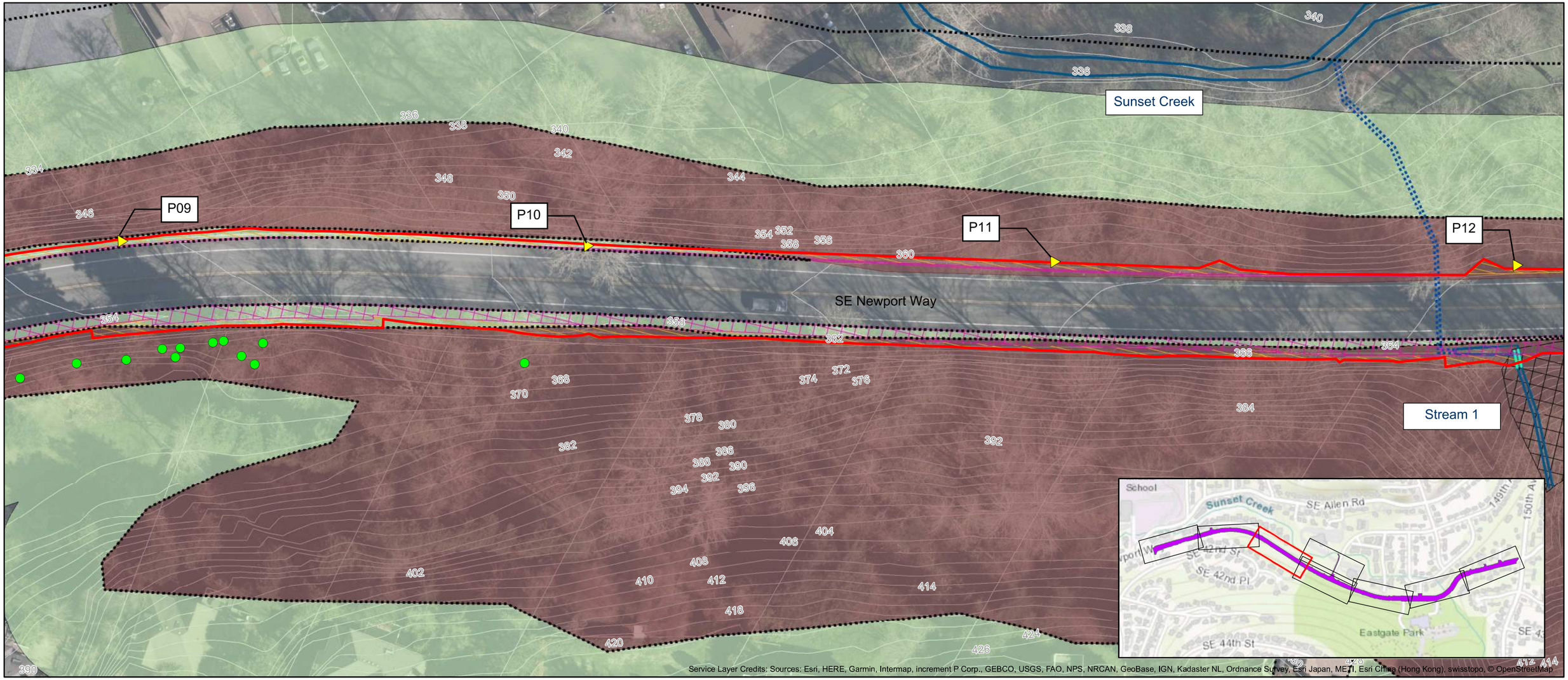

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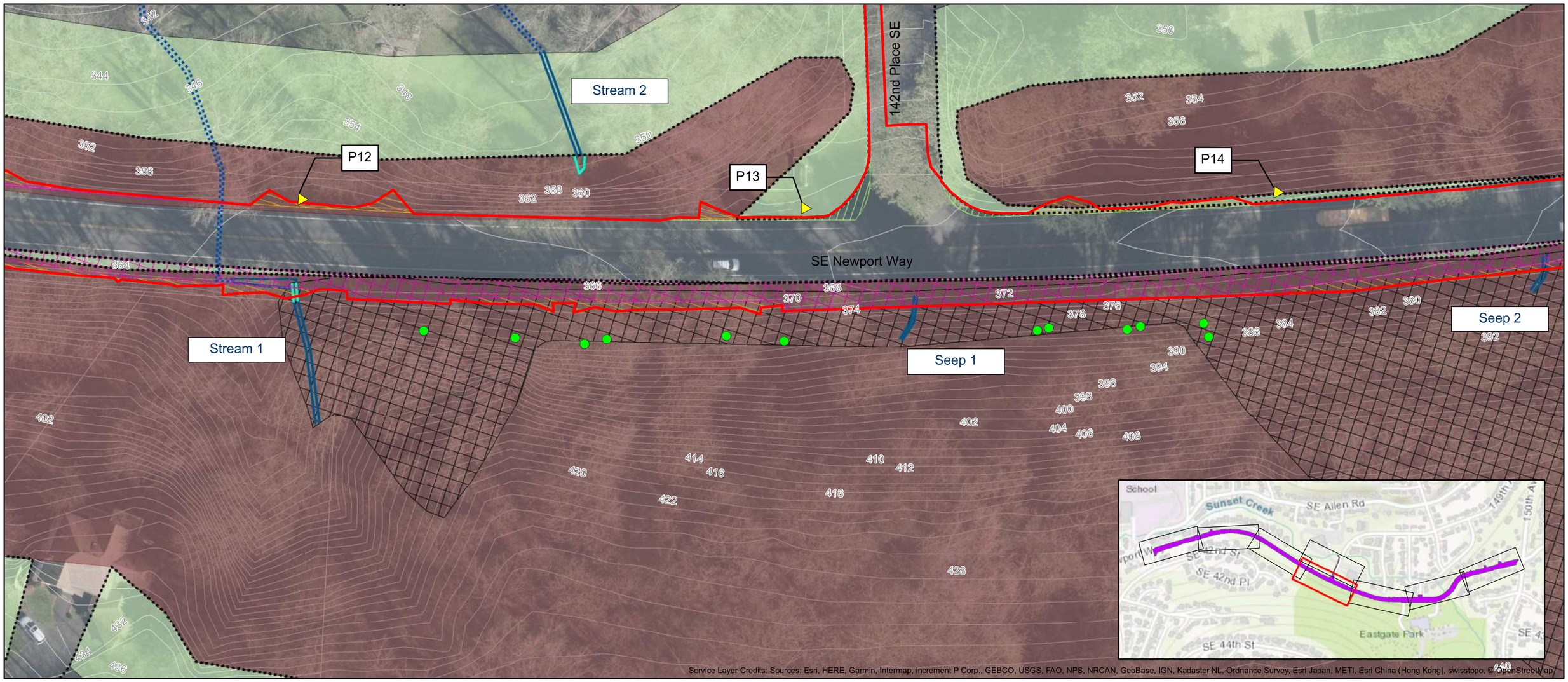

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap

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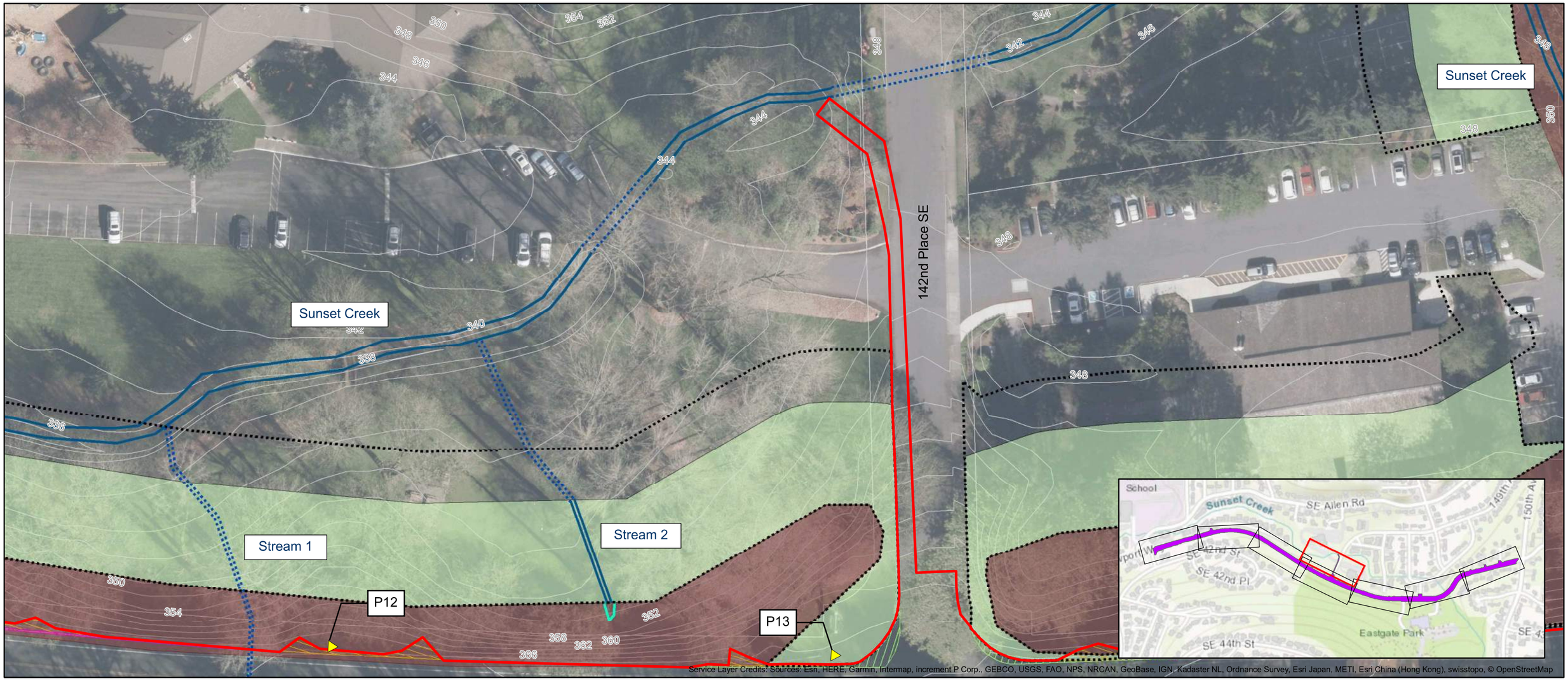

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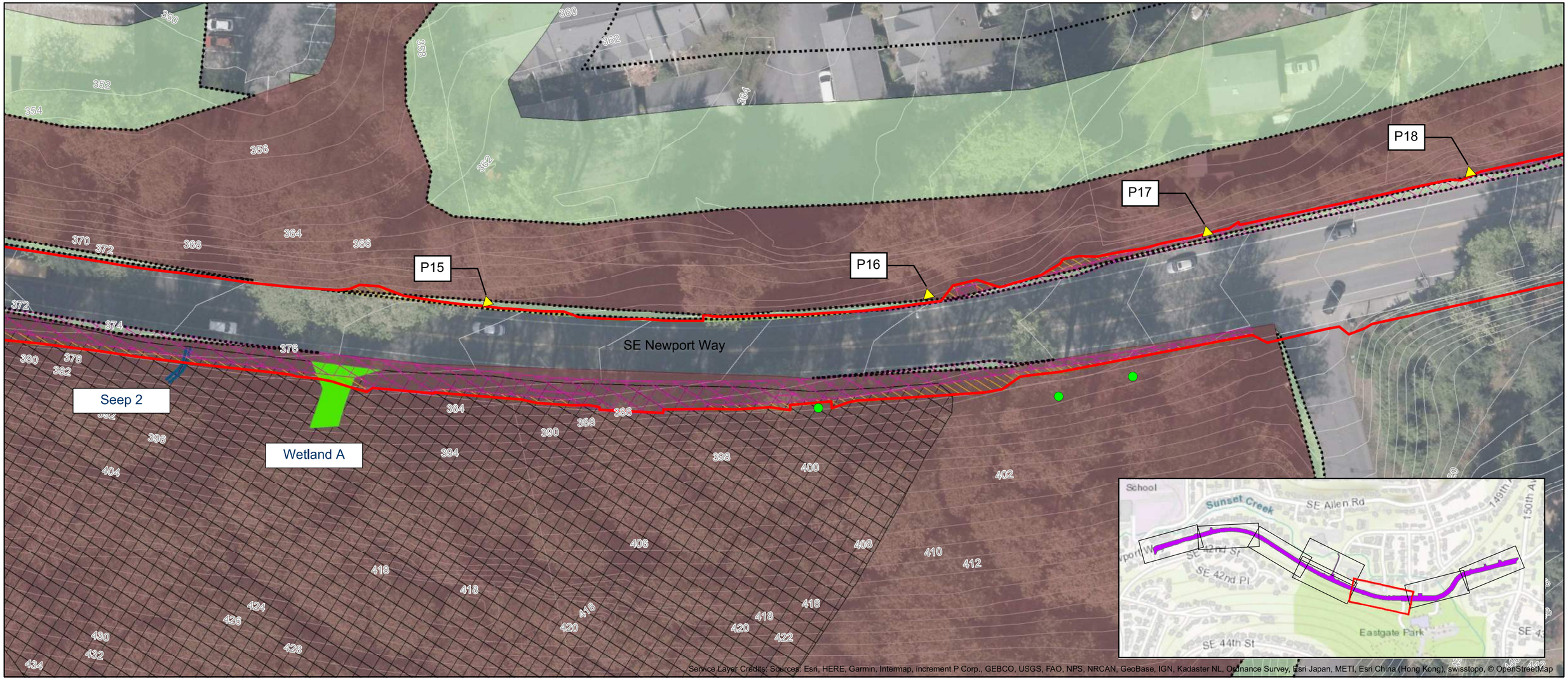

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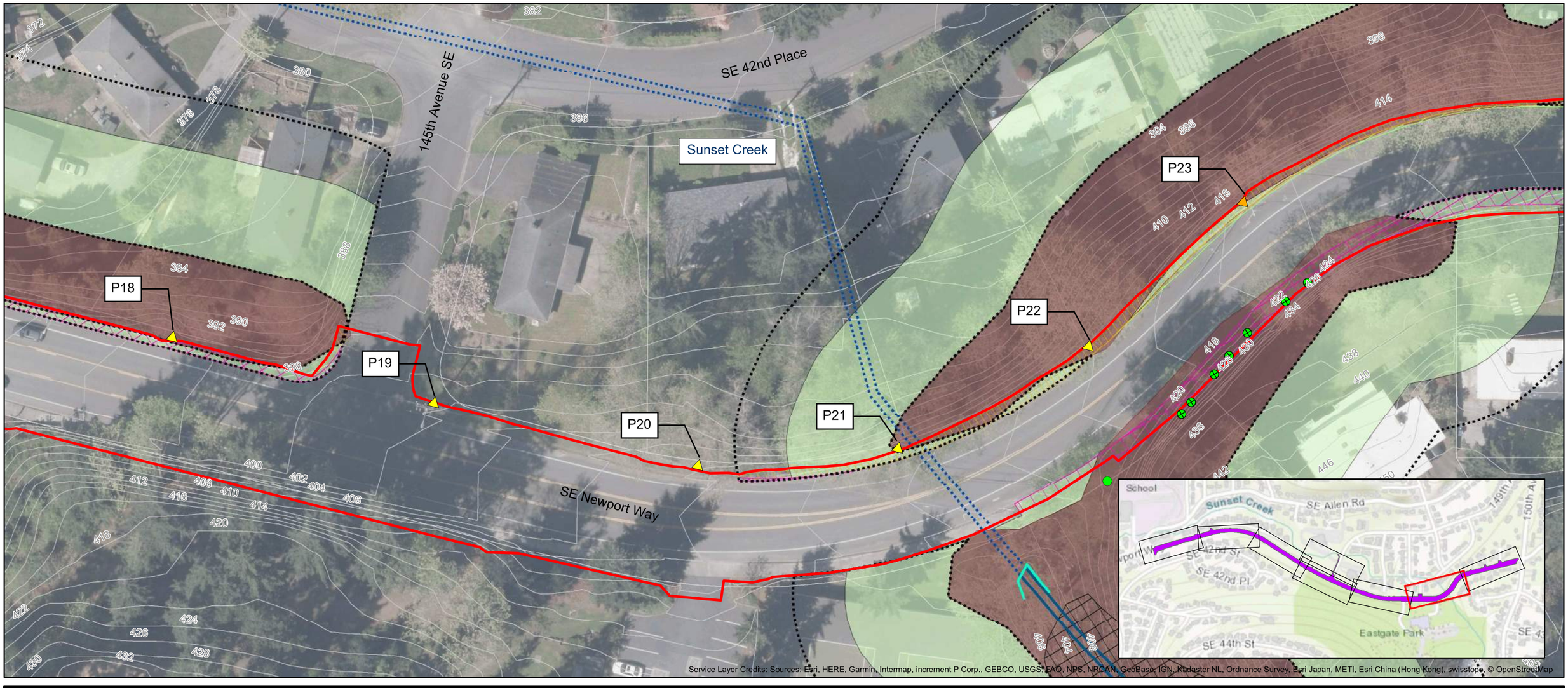

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Geologic Hazard Critical Areas

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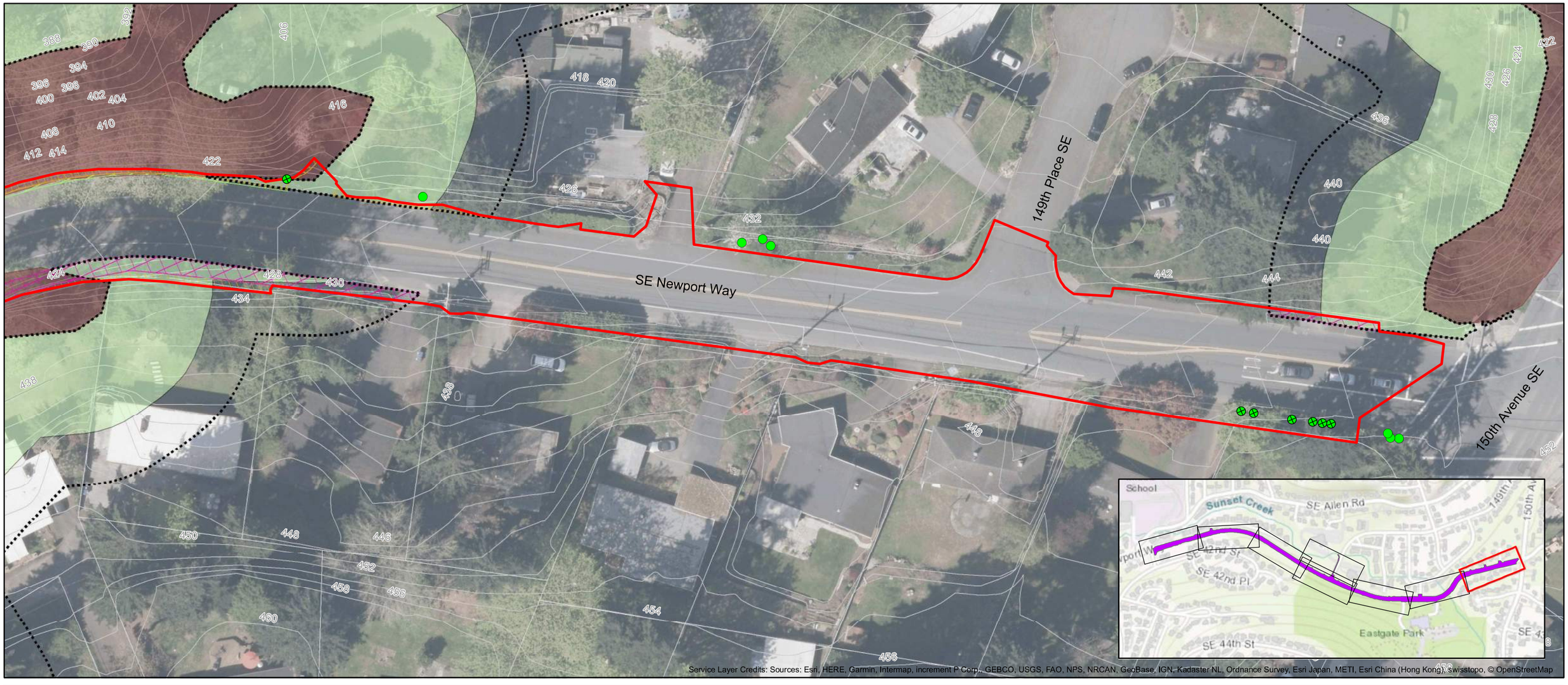

LEGEND

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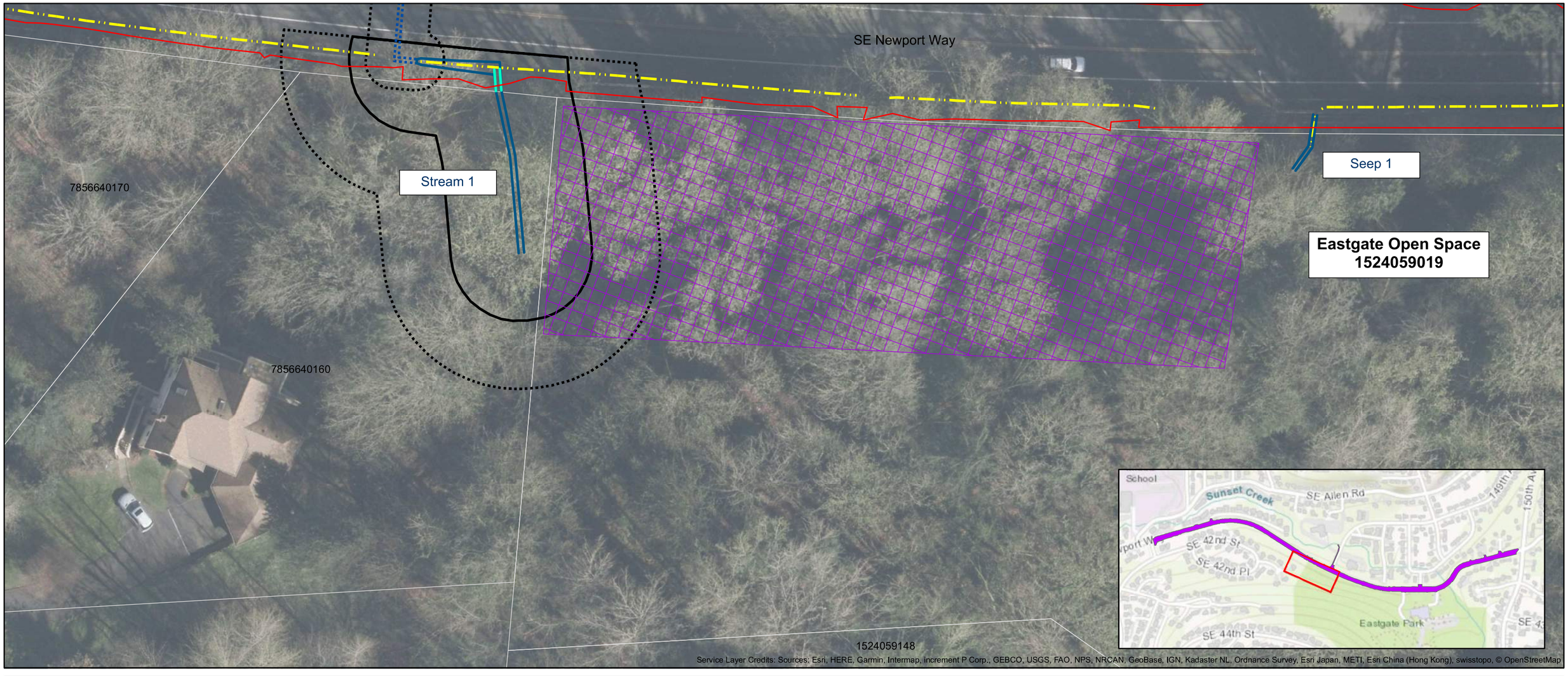
ATTACHMENT 3

Tree Replacement Mitigation Drawing

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD



LEGEND

- Delineated Streams[1]
- Open Channel Stream
- Ditch Centerline[2]
- Piped Stream[2]
- Stream Buffer[3]
- Stream Setback[3]
- Parcel Boundary[4]
- Limits of Project[1]
- Proposed Tree Planting Area (0.5 acre)

NOTE
[1] Jacobs biologists delineated stream ordinary high water marks (OHWM), juridictional ditch, and wetland boundaries on March 17, 2016. A tree inventory survey occurred on September 13, 2017.
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[4] This GIS layer originates from publicly available City of Bellevue GIS data.

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November 2018

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ATTACHMENT 4

Sunset Creek Buffer Conceptual Mitigation Drawing

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD

LEGEND

- Delineated Streams[1]
- Open Channel Stream
- Ditch Centerline[2]
- Piped Stream[2]
- Stream Buffer[3]
- Stream Setback[3]
- Parcel Boundary[4]
- Limits of Project[1]
- Proposed Stream Buffer Enhancement Area (1,4500 square feet)

NOTE
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November 2018

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ATTACHMENT 5

Peter,

Thank you for sending us the requested materials for the City of Bellevue's SE Newport Way project referenced above. We have reviewed this information and have questions/initial comments:

1. Stream classification
Per the Wetland/Stream Report, Stream 1 and 2, two tributaries to Sunset Creek were classified as Type N streams. How much of these streams were surveyed for this project and w[h]ere is the stream data collected for areas surveyed?

We delineated and surveyed the streams within the public right-of-way. Stream segments located on private property are estimated based on existing data and visual observations.

The Report also indicates that Sunset Creek is inaccessible due to steep grades and a 800 foot long pipe that is north of SE Newport Way. A couple of comments: the streambed gradient data should be provided to support the statement that the stream above SE Newport Way is "too steep" for fish, i.e. greater than 20%. An existing pipe that is impassable to salmonids should not be used as the basis for determining potential fish habitat. Finally, WDFW assessed the pipe network including the culvert under SE Newport Way as part of its review of culvert site ID #930388 in 2009 and found that the culvert is a fish passage barrier and there is potential fish habitat upstream.

We checked the stream gradient south of SE Newport Way (upstream) using a combination of surveyed topography and publicly available 2-foot contour GIS data from the City of Bellevue (2016). The segment upstream of SE Newport Way is about 15 - 18% slope. We have revised the critical area report to account for the change in stream type, buffer, and buffer impacts.

2. Piping of stream 1 and 2 north of SE Newport Way
The Site Map Figure 2D shows a poteion of Stream 1 and 2 piped north of SE Newport Way for a portion of the streams from their confluences with Sunset Creek. This area is shown as part of the Aldersgate United Methodist Church and appears to be undeveloped. Why are these stream sections piped?

We do not know why the streams are piped on the Aldersgate United Methodist Church property. We documented existing conditions based on field-verified areas within the public right-of-way since we did not have permission to access private property (such as the church property). Our in-office background research of publicly available data also did not yield answers as to why these stream sections are piped.

3. Project Impacts and mitigation
Per the JARPA, the project has unavoidable impacts to Stream 1 in the form of 38 linear feet of stream relocation. Where are the drawing details showing this stream relocation? Will it be mitigated fully in kind onsite or what?

Please see attached email correspondence – we have answered this question to Karen's satisfaction.

The project is also filling 227 square feet of Wetland A and currently does not propose mitigation for this filling. Is this approach acceptable to the City?

Peter, you will need to answer this (I can't answer on behalf of the City). However, this wetland is not regulated under Bellevue City Code. Therefore, no mitigation should be required.

The project is also proposing to compensate for tree removal at a 4:1 ratio. How many trees, of what species and sizes will be removed? Where will these trees be mitigated?

We revised the critical areas report to include a table of impacted trees by species and with average dbh. We have already submitted the revised report to Karen Walter per the Army Corps of Engineers' request.

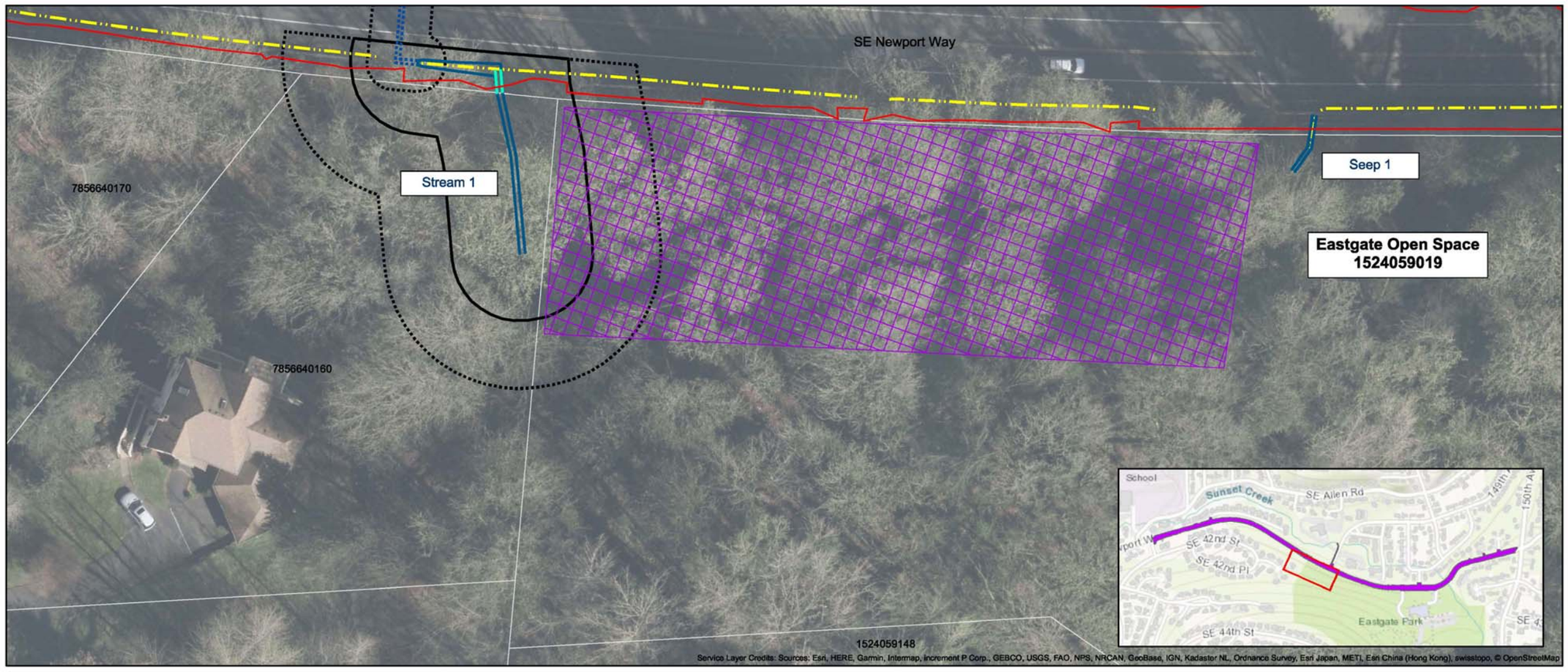
These trees will be mitigated on the City of Bellevue properties south of SE Newport Way that are managed by the Department of Parks and Recreation. Below is a summary of the impacted trees and proposed mitigation. Attached is our figure showing the approximate location of proposed tree replacement.

Table Error! No text of specified style in document.**-1. Impacted Trees**

Species	Average Diameter at Breast Height	Quantity Within Project Corridor	Quantity Within Steep Slopes	Quantity Within Geologic Hazard 50-foot Buffer
bigleaf maple (*Acer macrophyllum*)	16	4	*4*	-
fruit tree (*Prunus domestica*)	12	3	-	*1*
arborvitae (*Thuja occidentalis*)	9	5	-	-
Scots pine (*Pinus sylvestris*)	9	1	-	*1*
Leyland cypress (*Cuprocyparis leylandii*)	14	6	-	*6*
blue spruce (*Picea pungens*)	8	4	-	*4*
magnolia (*Magnolia grandiflora*)	17	1	-	*1*
English laurel (*Prunus laurocerasus*)	5	4	-	-
western redcedar (*Thuja plicata*)	8	3	-	-
Douglas fir (*Pseudotsuga menziesii*)	23	5	*3*	-
black cottonwood (*Populus balsamifera*)	4	1	*1*	-
Total		**37**	***8***	***13***

Tree Replacement Mitigation Drawing

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD



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Kniveton, Becki

From: Bunch, Jordan A CIV (US) <Jordan.A.Bunch@usace.army.mil>
Sent: Tuesday, January 15, 2019 3:48 PM
To: Kniveton, Becki
Subject: [EXTERNAL] RE: Comments from Muckleshoot Indian Tribe; NWS-2017-964

Received. Thank you, Becki!

Best,
Jordan

-----Original Message-----
From: Kniveton, Becki [mailto:Becki.Kniveton@jacobs.com]
Sent: Tuesday, January 15, 2019 2:48 PM
To: Bunch, Jordan A CIV (US) <Jordan.A.Bunch@usace.army.mil>
Cc: PKrawczyk@bellevuewa.gov; Hedges, Tim <Tim.Hedges@jacobs.com>
Subject: [Non-DoD Source] RE: Comments from Muckleshoot Indian Tribe; NWS-2017-964

Hi, Jordan:

We do not know why the streams are piped on the Aldersgate United Methodist Church property. We documented existing conditions based on field-verified areas within the public right-of-way since we did not have permission to access private property (such as the church property). Our in-office background research of publicly available data also did not yield answers as to why these stream sections are piped.

Becki

-----Original Message-----
From: Bunch, Jordan A CIV (US) <Jordan.A.Bunch@usace.army.mil>
Sent: Tuesday, January 15, 2019 1:06 PM
To: Kniveton, Becki <Becki.Kniveton@jacobs.com>
Subject: [EXTERNAL] RE: Comments from Muckleshoot Indian Tribe; NWS-2017-964

Hi Becki,

The Muckleshoot Tribe has no further questions with regards to Stream 1. They did, however, still have comments regarding a question sent previously on Jan. 2, 2019 (see below).

"We inquired about why Streams 1 and 2 north of SE Newport Way were piped in the undeveloped areas of Aldersgate United Methodist Church but did not receive any responses to this question. This is important because of the filling of Stream 1 that will require mitigation."

They then followed up today (Jan. 15, 2019) with the following:

"[...] ideally the applicant would have responded so we could discern if this project represents an opportunity to daylight sections of stream north of SE Newport Way while there is a project in the area and construction equipment has been mobilized. We also use this information to determine if future daylighting would be precluded which affects how we evaluate this project with respect to the Tribe's treaty-rights."

Could you please provide me with a response for the Muckleshoot Tribe that I will forward on to them? Please contact me if you need any clarification.

Thanks,
Jordan

-----Original Message-----
From: Kniveton, Becki [mailto:Becki.Kniveton@jacobs.com]
Sent: Thursday, January 10, 2019 3:29 PM
To: Bunch, Jordan A CIV (US) <Jordan.A.Bunch@usace.army.mil>
Cc: Hedges, Tim <Tim.Hedges@jacobs.com>; Whitson, Rose <Rose.Whitson@jacobs.com>
Subject: [Non-DoD Source] RE: Comments from Muckleshoot Indian Tribe; NWS-2017-964

With attachment (insert forehead slap here).

-----Original Message-----
From: Kniveton, Becki
Sent: Thursday, January 10, 2019 3:28 PM
To: Bunch, Jordan A CIV (US) <Jordan.A.Bunch@usace.army.mil>
Cc: Hedges, Tim <Tim.Hedges@jacobs.com>; Whitson, Rose <Rose.Whitson@jacobs.com>
Subject: RE: Comments from Muckleshoot Indian Tribe; NWS-2017-964

The only portion of Stream 1 that we are relocating is where it flows in the roadside ditch, which will be moved immediately south of the existing ditch. These are the only plans that we have, but you can see where the old ditch is because I delineated it (see flags), and you can see where the new ditch will be based on the fill locations. I've added polygons to the sheets to clarify. Hopefully, this will be enough info...?

Becki

-----Original Message-----
From: Bunch, Jordan A CIV (US) <Jordan.A.Bunch@usace.army.mil>
Sent: Thursday, January 10, 2019 1:18 PM
To: Kniveton, Becki <Becki.Kniveton@jacobs.com>
Subject: [EXTERNAL] RE: Comments from Muckleshoot Indian Tribe; NWS-2017-964

Hi Becki,

Karen has asked for drawings showing where the stream where be relocated and the Corps needs to know this as well. We have several drawing showing existing conditions and impacts but we need to know where you propose to relocate Stream 1.

Thanks,
Jordan

-----Original Message-----
From: Kniveton, Becki [mailto:Becki.Kniveton@jacobs.com]
Sent: Thursday, January 10, 2019 10:23 AM
To: Bunch, Jordan A CIV (US) <Jordan.A.Bunch@usace.army.mil>
Cc: Whitson, Rose <Rose.Whitson@jacobs.com>; Hedges, Tim <Tim.Hedges@jacobs.com>
Subject: [Non-DoD Source] RE: Comments from Muckleshoot Indian Tribe; NWS-2017-964

Hi, Jordan:

Here are the plan sheets that pertain to Stream 1. Red boxes were added to the sheets to make it easier to see where Stream 1 is located.

Becki

-----Original Message-----
From: Bunch, Jordan A CIV (US) <Jordan.A.Bunch@usace.army.mil>
Sent: Thursday, January 10, 2019 10:17 AM
To: Kniveton, Becki <Becki.Kniveton@jacobs.com>
Subject: [EXTERNAL] RE: Comments from Muckleshoot Indian Tribe; NWS-2017-964

Hi Becki,

I just wanted to let you know that I only need the drawing details mentioned in question 2 below to complete my review. If you can provide that for Karen and me then I complete review of this project.

Thanks,
Jordan

-----Original Message-----
From: Bunch, Jordan A CIV (US)
Sent: Wednesday, January 2, 2019 9:40 AM
To: 'Kniveton, Becki' <Becki.Kniveton@jacobs.com>
Subject: Comments from Muckleshoot Indian Tribe; NWS-2017-964

Hi Becki,

The Tribe has provided the following comments regarding the above mentioned project. Please provide a response that I may forward on to them.

1. Piping of Streams 1 and 2 north of SE Newport Way

We inquired about why Streams 1 and 2 north of SE Newport Way were piped in the undeveloped areas of Aldersgate United Methodist Church but did not receive any responses to this question. This is important because of the filling of Stream 1 that will require mitigation.

2. Project impacts and mitigation

a. Stream 1 relocation

We asked for the drawing details showing the stream relocation proposed for Stream 1. We checked the plan set and were unable to find this project detail. Please have the applicant provide the plan sheet showing the proposed relocated section of Stream 1 in both plan and profile views.

Sincerely,

Jordan Bunch
Project Manager, Biologist
USACE Seattle District (NWS)

(206) 764-3482
Jordan.A.Bunch@usace.army.mil

_____

_____

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Stream, Wetland, Habitat, and Flood Hazard Critical Areas

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD

Sunset Creek Buffer and Setback Type F

Stream 2 Type N

P12

P13

P14

142nd Place SE

SE Newport Way

Stream 1 Type N

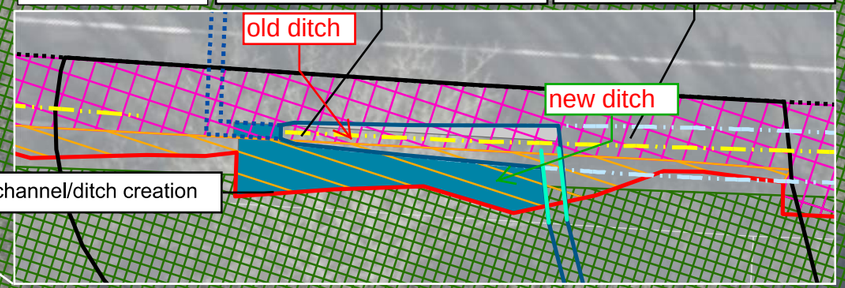
Permanent: expansion of roadway south; ditch/stream relocation (see inset).
Temporary: clearing limit.

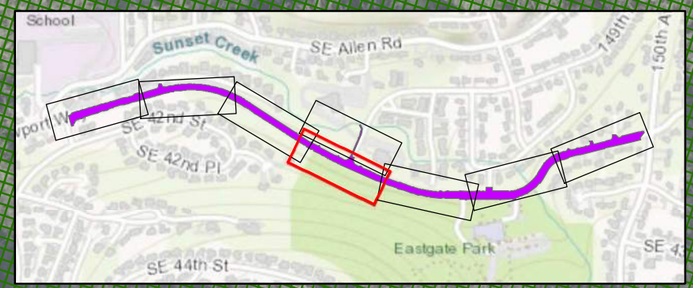
Seep 1

Stream 1 Channel Impacts

6 linear feet (LF) of pipe removed and 1 LF of pipe replaced

Existing stream partially filled for roadway expansion





LEGEND

- Delineated Streams[1]
- Open Channel Stream
- Piped Stream[2]
- Jurisdictional Ditch[1] (regulated by the Army Corps of Engineers)
- Ditch Centerline[2]
- Delineated Wetland [1]
- Stream Buffer[3]
- Stream Setback[3]
- WDFW PHS Terrestrial Habitat[4]
- 100-year Floodplain[5]
- Parcel Boundary[5]
- Limits of Project[1]
- Tree to be Avoided[1]
- Tree to be Impacted[1]
- Existing Puget Sound Energy (PSE) Pole to Remain[2]
- Proposed PSE Pole Relocation[2]
- Permanent Impacts[2]
- Temporary Impacts[2]
- Removal[2]

NOTE
[1] Jacobs biologists delineated stream ordinary high water marks (OHWM), juridictional ditch, and wetland boundaries on March 17, 2016. A tree inventory survey occurred on September 13, 2017.
[2] Design elements and the project limits boundary are based on 90 percent design. They are approximate and may not be exactly to scale.
[3] Jacobs derived stream buffers and structure setbacks in ArcGIS based on requirements in the City of Bellevue Land Use Code 20.20H.075.
[4] Approximate location of Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS).
[5] These GIS layers originate from publicly available City of Bellevue GIS data.

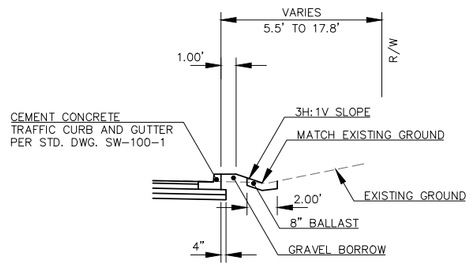
N

0 25 50 100
Feet

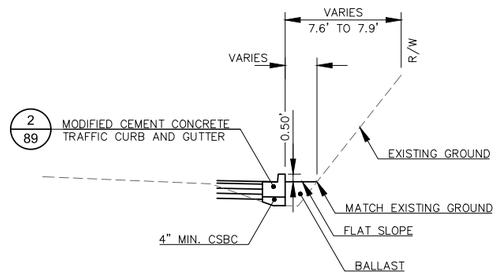
JACOBS

November 2018

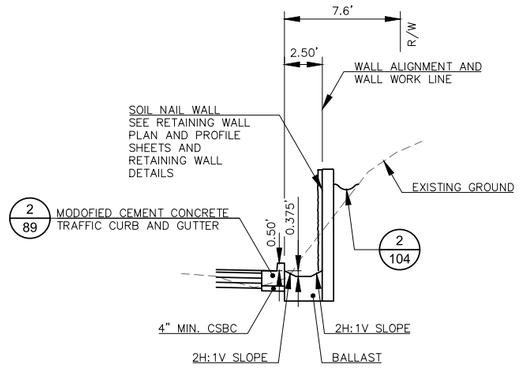
\\SEAFIL01\Proj\W3X72300\GIS\MXD\W3X72300_CriticalAreas60pct_WetStrFloHab_Rev03.mxd



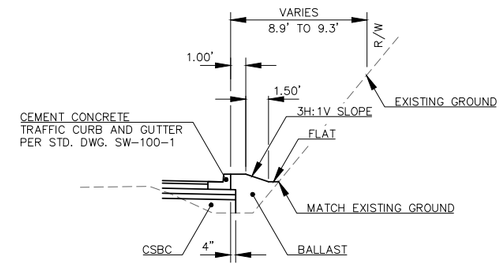
R1 RIGHT EDGE SECTION
NOT TO SCALE
3H:1V FILL SLOPE
WITH DITCH



R2 RIGHT EDGE SECTION
NOT TO SCALE
MOD. CURB AND GUTTER
WITH DITCH

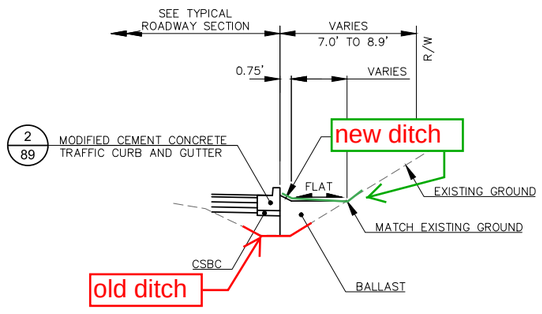


R3 RIGHT EDGE SECTION
NOT TO SCALE
SOIL NAIL WALL
WITH DITCH

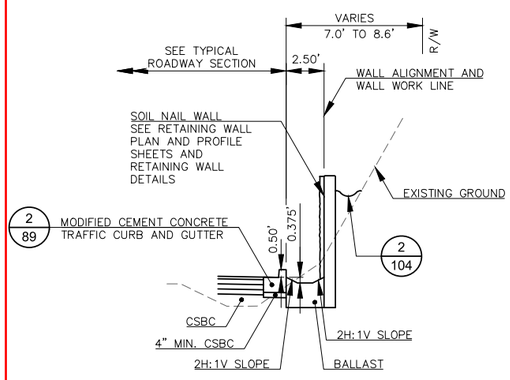


R4 RIGHT EDGE SECTION
NOT TO SCALE
3H:1V FILL SLOPE
WITH DITCH

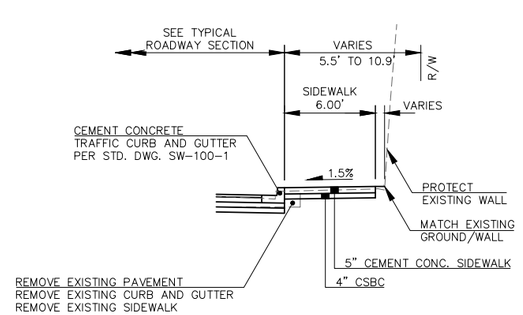
Old ditch and new ditch profiles at Stream 1



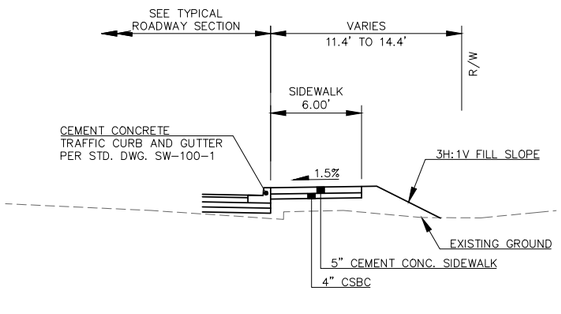
R5 RIGHT EDGE SECTION
NOT TO SCALE
MOD. CURB AND GUTTER
WITH DITCH



R6 RIGHT EDGE SECTION
NOT TO SCALE
SOIL NAIL WALL
WITH DITCH



R7 RIGHT EDGE SECTION
NOT TO SCALE
SIDEWALK AT
EXISTING WALL



R8 RIGHT EDGE SECTION
NOT TO SCALE
SIDEWALK WITH
3:1 FILL SLOPE

CALL 2 DAYS
BEFORE YOU DIG
1-800-424-5555

NO.	DATE	BY	APPR.	REVISIONS

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD

90% SUBMITTAL

JACOBS
1100 112th Avenue N.E., Ste 500
Bellevue, WA 98004

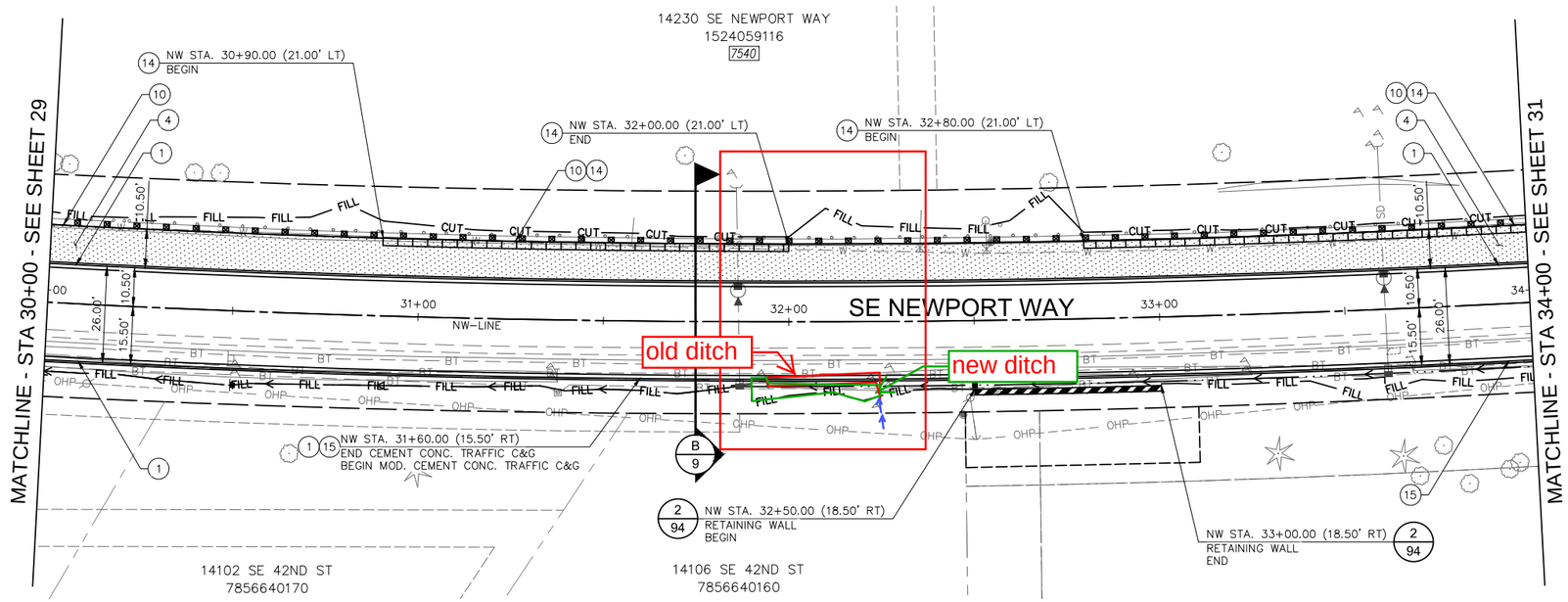
City of Bellevue
Transportation Department

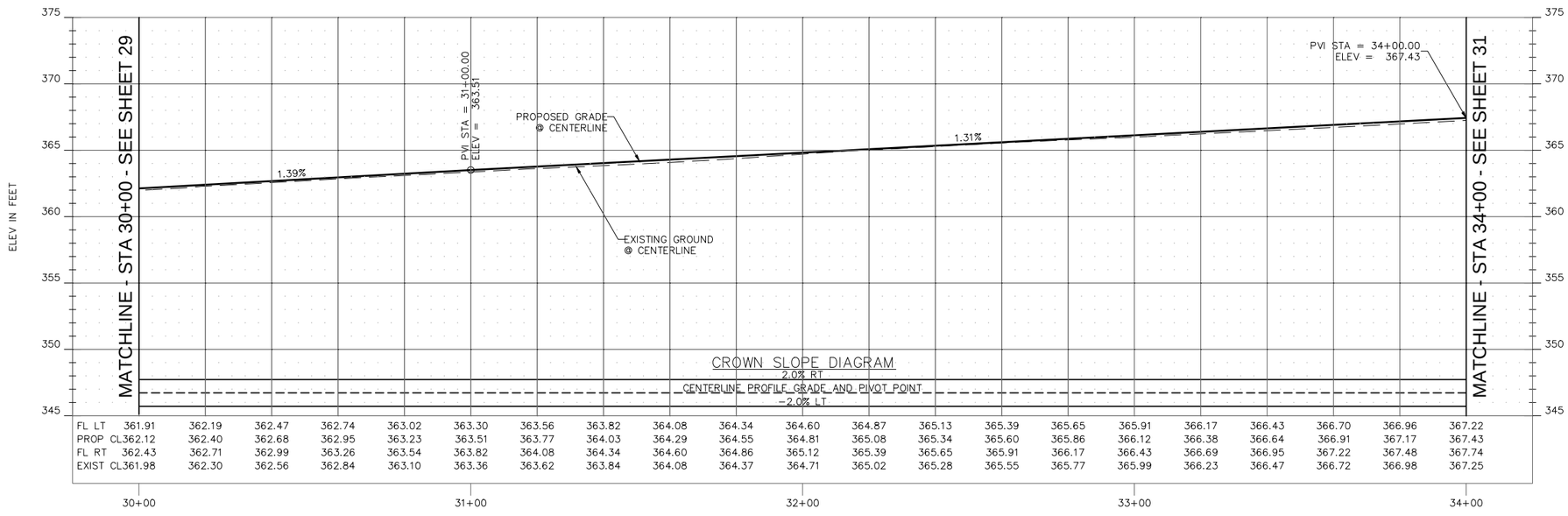
SE NEWPORT WAY
150TH AVENUE SE TO SOMERSET BLVD
TYPICAL
ROADWAY SECTIONS

PREPARED BY: XX	DATE:
WORK ORDER NO.:	SHEET: 15 OF

10/10/18 | 8:57 AM | STOTTAM
P:\W3X72300\700 CADD\730 PS&E\72300_TS08.DWG

SEC. 15, T 24 N. , R. 05 E, W.M.





STREET NOTES:

1. INSTALL CEMENT CONCRETE TRAFFIC CURB AND GUTTER PER CITY OF BELLEVUE STANDARD DRAWING SW-100-1.
4. INSTALL HMA MIXED USE PATH.
10. INSTALL METAL SAFETY RAILING PER CITY OF BELLEVUE STANDARD DRAWING RS-120-1.
14. INSTALL CEMENT CONCRETE FOOTING CURB PER DETAIL 1 ON SHEET 90.
15. INSTALL MODIFIED CEMENT CONCRETE TRAFFIC CURB AND GUTTER PER DETAIL 2 ON SHEET 89.

PAVEMENT LEGEND:

- LIMITS OF HMA MIXED USE PATH.
- LIMITS OF CEMENT CONCRETE FOOTING CURB.
- LIMITS OF RETAINING WALL.
- LIMITS OF METAL SAFETY RAILING.

N

0 5 10
VERTICAL SCALE

0 10' 20' 40'
HORIZONTAL SCALE

DATUM

HORIZONTAL DATUM:
PROJECT DATUM BASED ON CITY OF BELLEVUE CONTROL PTS. COB1134, COB1135, COB2617, AND COB2618

VERTICAL DATUM:
NAVD 88

CALL 2 DAYS BEFORE YOU DIG
1-800-424-5555

NO.	DATE	BY	APPR.	REVISIONS

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD
NEWPORT WAY STA 30+00 TO STA 34+00

90% SUBMITTAL

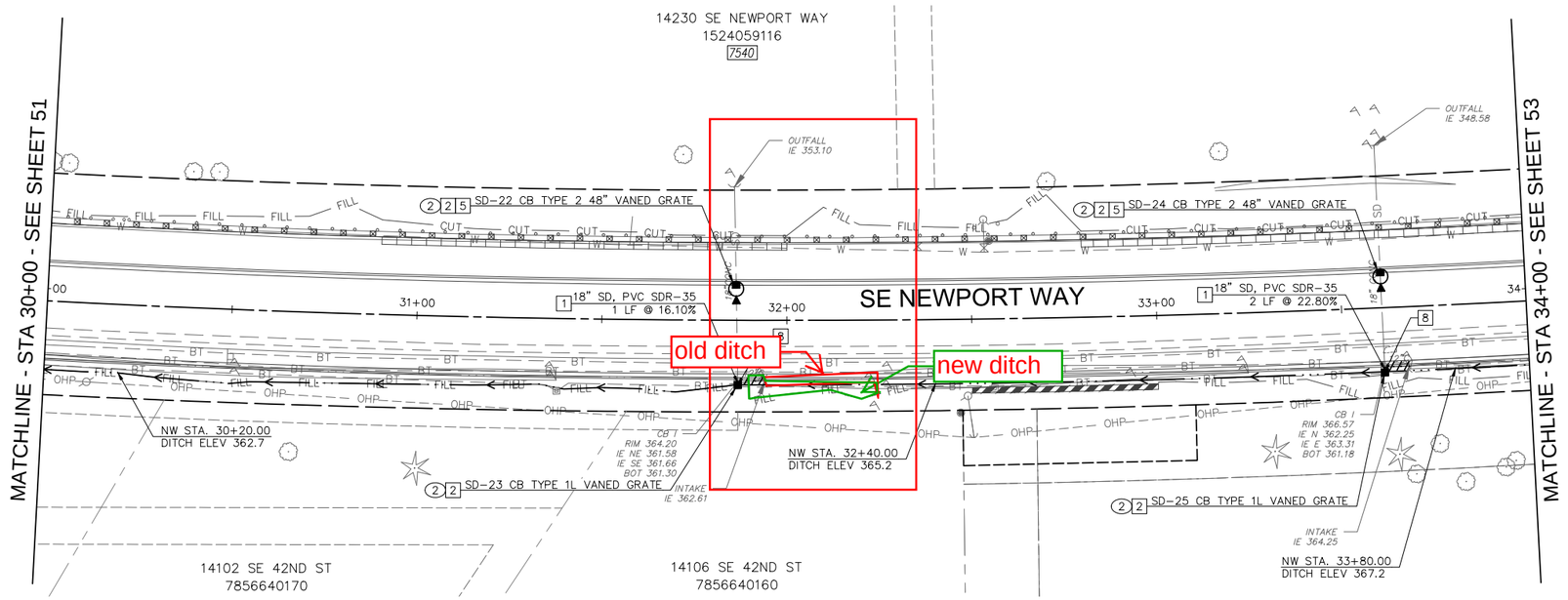
JACOBS
1100 112th Avenue N.E., Ste 500
Bellevue, WA 98004

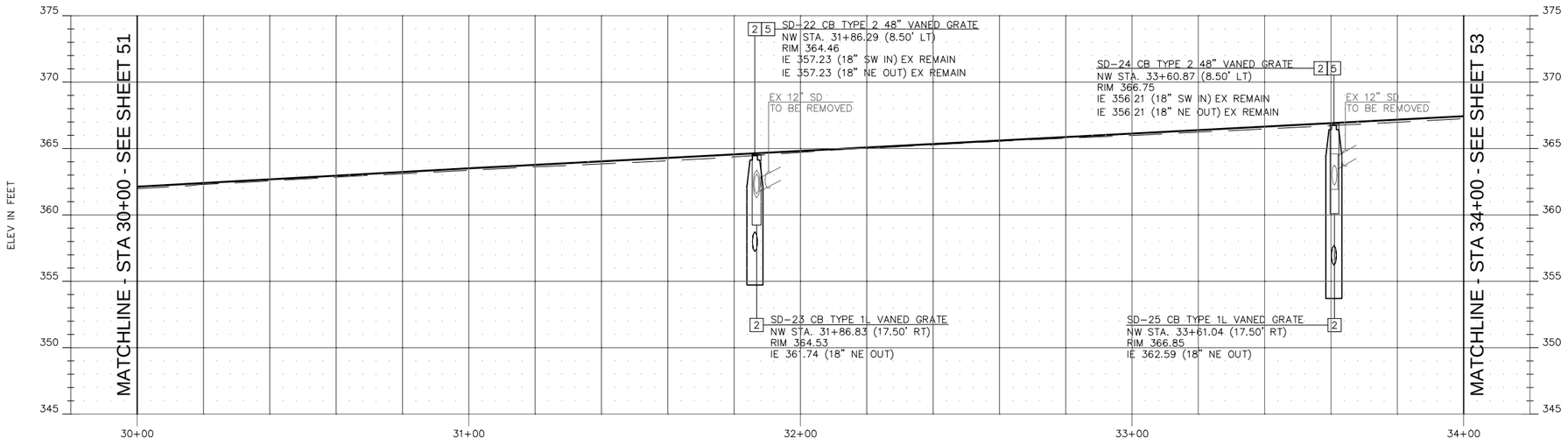
City of Bellevue
Transportation Department

SE NEWPORT WAY
150TH AVENUE SE TO SOMERSET BLVD
ROADWAY
PLAN AND PROFILE

PREPARED BY: XX	DATE:
WORK ORDER NO.:	SHEET: 30 OF

SEC. 15, T 24 N. , R. 05 E, W.M.





STORM NOTES:

1. INSTALL NEW STORM DRAINAGE PIPE WITH TYPE, SIZE, LENGTH, SLOPE, AND LOCATION SPECIFIED. PIPE LENGTHS ARE SHOWN TO CENTER OF STRUCTURE.
2. INSTALL NEW STORM DRAINAGE STRUCTURE WITH TYPE, SIZE, AND LOCATION SPECIFIED. OFFSETS ARE SHOWN TO THE CENTER OF STRUCTURE.
5. CONNECT NEW STORM STRUCTURE TO EXISTING STORM PIPE.
8. REMOVE STORM STRUCTURE AND CONNECT NEW STORM PIPE TO EXISTING STORM PIPE.

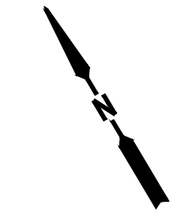
EROSION CONTROL NOTES:

(2) INSTALL AND MAINTAIN CATCH BASIN INLET PROTECTION PER WSDOT STANDARD PLAN I-40.20-00.

LEGEND:

REMOVE EXISTING STORM PIPE

PROPOSED DITCH CENTERLINE



DATUM

HORIZONTAL DATUM:
PROJECT DATUM BASED ON CITY OF BELLEVUE CONTROL PTS. COB1134, COB1135, COB2617, AND COB2618

VERTICAL DATUM:
NAVD 88

CALL 2 DAYS BEFORE YOU DIG
1-800-424-5555

NO.	DATE	BY	APPR.	REVISIONS

SE NEWPORT WAY
150TH AVE SE TO SOMERSET BLVD
NEWPORT WAY STA 30+00 TO STA 34+00

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1100 112th Avenue N.E., Ste 500
Bellevue, WA 98004

City of Bellevue
Transportation Department

SE NEWPORT WAY
150TH AVENUE SE TO SOMERSET BLVD
STORM DRAINAGE
PLAN AND PROFILE

PREPARED BY: XX	DATE:
WORK ORDER NO.:	SHEET: 52 OF